



# Earth Negotiations Bulletin

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## HIGHLIGHTS FROM MEETING OF THE AD HOC GROUP ON THE BERLIN MANDATE 6 AUGUST 1997

The AGBM Chair held a morning briefing for observers on the outcome of negotiations in the non-groups. All non-groups considered revised draft texts on the second-to-last day of AGBM-7. The non-group on institutions and mechanisms met in the morning and was scheduled to reconvene in the evening. The non-group on policies and measures met in the morning and held small group consultations in the afternoon. The non-group on QELROs met in the afternoon.

### OBSERVER BRIEFING

The Chair of the QELROs non-group, Luiz Gylvan Meira Filho (Brazil), said delegates were working on a draft text on coverage that will reflect the non-group's exchange of views, but he said it was too early for negotiations. He said distribution of QELROs among Annex I Parties was at a similar stage, with delegates reiterating proposals from their formal presentations.

Also undecided is the possibility of a specific objective under a protocol, whether to include a long-term stabilization target, and whether to describe the objective in terms of global atmospheric GHG concentrations or other measures such as temperature or sea-level rise. He said it is likely that AGBM-7 will conclude with bracketed text on the different approaches.

Takao Shibata (Japan), Chair of the institutions and mechanisms non-group, said delegates had completed a first discussion of all issues before the non-group. He said two proposals had been considered regarding entry into force of a legal instrument: basing it on the number of ratifications as in the FCCC; or weighting entry into force by percentage of GHG emissions by Parties. The emissions-based approach could tie entry into force to Parties' percentage of all global emissions or of those by Annex I Parties.

AGBM Chair Raúl Estrada-Oyuela (Argentina) said the non-group on Article 4.1 was working to clarify the meaning of certain paragraphs in its draft and revise the text to show where the lack of agreement exists. He said the non-group on policies and measures would attempt to reconcile two approaches, including one presented in a paper by the European Union. The positions are currently far apart and will need considerable discussion.

Estrada said an extended Bureau meeting Tuesday had addressed organizational and substantive issues. He noted a clear general trend not to establish a new objective for a protocol but to keep the objective now in the FCCC. He also said delegates preferred not to develop new principles. This would simplify negotiators' work and avoid potential years of discussion.

Asked whether the AGBM agreement would be likely to define a dangerous level of CO<sub>2</sub> concentrations, Estrada said it did not seem appropriate to include, in a legal instrument, values that could change over time in light of scientific research. Responding to a question whether a global cap would follow global distribution or *vice versa*, the Chair said that political negotiations of this sort usually aim at results. He said the agreement is first produced and then explained. The philosophy follows the results.

### NON-GROUP ON INSTITUTIONS AND MECHANISMS

At a morning meeting, the non-group on institutions and mechanisms had a lengthy discussion on a Chair's text containing a short and long version of the draft Preamble. On the short version, some Parties argued for simplification and clarification of references to the Berlin Mandate. This triggered calls from Parties concerned about economic impacts on fossil fuel producers for the re-introduction of paragraphs in the long version to meet their concerns. The disputed text, including amendments, remains in brackets.

On the questions of decision-making and whether the FCCC COP should also serve as the COP of the Protocol or other legal instrument, some Parties argued against any overlap in the functions of the FCCC COP. They proposed a Meeting of the Parties to the Protocol, to be held only in conjunction with the FCCC COP. Decision-making on the Protocol would be restricted to the Parties to the instrument. The Chair undertook drafting a new text incorporating a proposal from a regional group.

On the role of the Secretariat, arguments were presented for flexibility to allow the Secretariat to take on additional functions.

### NON-GROUP ON POLICIES AND MEASURES

The non-group on policies and measures met in the morning to consider a draft text proposed by the Chair containing two alternatives. In one, commitments would be fulfilled individually. The other allows for the possibility of common/coordinated policies and measures. An initial exchange of views took place on the text, and some amendments were made to the second alternative. In general, delegations noted the considerable difference between the two alternatives in terms of content. Some delegations suggested that the solution to this would be the inclusion of an intermediate alternative.

A group of countries requested that a proposal it had presented previously as a non-paper be included in the draft as a third alternative. Several delegations objected to this and indicated that the proposal had been duly reflected under the second alternative. Other delegations also regretted not seeing their proposals included in the text. One of the proposals pertained to guidelines for P&Ms, while others referred to national action plans and performance indicators.

To allow the inclusion of proposals of a differing nature under the same alternative, the title of the section was changed to a more general one on "Policies and Measures." On the second alternative, a delegation said that while coordinated action should not be excluded, it should not be mandated either. Several delegations suggested changing the framework and structure of this alternative. A group of countries suggested that some principles and guidelines should frame the section on policies and measures.

A group of countries noted the need to change the first two paragraphs under the second alternative on policies and measures to better reflect the proposals upon which they were based. There was a discussion on whether a reference to a subset of Parties under Annex I should be included in the paragraph on cooperation to establish coordinated cross-sectoral, cost-effective policy instruments. In the afternoon, delegations engaged in informal consultations on how differing proposals were to be included under the same alternative.

In the evening hours, the non-group reconvened and was presented with two new documents by the Chair on general provisions and alternatives for policies and measures.

The document on alternatives for policies and measures, refers to the types of P&Ms that countries listed in an "Annex Q" shall adopt or give priority to. Types of policies and measures have been classified under different lists (A, B and C). It was agreed that paragraphs on voluntary policies and measures would be deleted, and that P&Ms under list B would be "coordinated" instead of "specific".

Regarding the document on general provisions, a proposal was made to replace paragraphs in the text on the development of national plans for the limitation and reduction of anthropogenic emissions by sources and the incremental rate of removal by sinks. A paragraph was included on the discretion Parties shall have to select those policies and measures that are best suited to national circumstances for meeting their emission limitation and reduction commitments. It was agreed that the Chair would present the AGBM plenary a revised draft text, based on the discussions of the non-group.

### **NON-GROUP ON QELROS**

The non-group on QELROs began consideration of a revised negotiating text. Several delegates asked for discussion to be suspended until the following day to give Parties a chance to read and consider the text. On the purpose of the agreement, one Party proposed that QELROs should apply to the weighted average global warming potential based on a one hundred year time line of anthropogenic emissions rather than simply the weighted total. On methodologies, one Party noted that it has still not been decided whether the methodologies will be decided upon by the Conference of Parties or Meeting of Parties.

On criteria for the addition of GHGs to the Annex, a delegate proposed that the criteria should be considered as suggested rather than mandatory. One delegation proposed that the Parties shall review and revise global warming potentials and methodologies. On the nature of target and baseline, many delegations were confused as to the various options outlined in the text. One delegation was concerned that the text had been drafted so that budget periods were inherently linked to flat rate targets with no consideration of budget periods for differentiated targets. The chair suspended the meeting while several delegations discussed the text. No agreement was reached by the delegations and the meeting was adjourned.

### **IN THE CORRIDORS**

Wednesday's observer briefing ended with the AGBM Chair's comments that the trend of discussion at the extended Bureau meeting was to apply only the FCCC's objective to a Protocol. Within minutes of the announcement, reports of counter trends emerged from some of the interested players who had participated in the Bureau meeting. Some said that a decision to limit the Protocol's objective to that set out in the FCCC could have implications for those proposals from regional groups and other Parties that stipulate or propose the development of formulae for setting a ceiling on GHG emissions based, for example, on sea level and temperature rises. Chair Estrada has, reportedly, argued that the introduction of a new objective may cause confusion.

A number of the interested Parties suggested that the matter had not been resolved, and proposals containing new objectives would stay on the table at the AGBM. One regional representative said "we have not given up." They marked Estrada's announcement down to "forceful chairmanship" and suggested that he was some-

what ahead of the Parties in his reading of Tuesday's meeting. Some also conceded that, in principle, it would be advisable to restrict the introduction of new objectives but arguments would be made for an exception nonetheless. Others said that using the same FCCC overall objective would still leave room to incorporate proposed new objectives, perhaps within the section on emissions limitations and reduction objectives. An interested Party has reportedly been tasked to conduct consultations in an effort to merge the new proposals.

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

**Non-group meetings:** Meetings of the non-groups will be held from 10:00 am -1:00 pm.

Consult the electronic notice board for rooms and times.

**Press Conference:** AGBM Chair Estrada and Executive Secretary Zammit-Cutajar will hold a press briefing at 1:15 pm in the Reger Room.

**AGBM:** AGBM is expected to hold its final session from 3:00 - 5:00pm in the Maritim Room. AGBM will consider: negotiation of a protocol or another legal instrument, organization of work for AGBM-8 and the report of the session.

### **CLIMATE-L**

The International Institute for Sustainable Development (IISD), publisher of the *Earth Negotiations Bulletin*, is pleased to announce a new e-mail distribution list intended to facilitate information exchange on the FCCC. CLIMATE-L is a moderated list for the dissemination of information on recent events, past and upcoming meetings, copies of upcoming position papers and pointers to on-line resources such as WWW sites and documents. CLIMATE-L is intended to be a focused list with short messages. Subscribers, upon request, can receive one "digest" e-mail message per week.

To subscribe to the CLIMATE-L list, send an e-mail message to <listproc@mbnet.mb.ca> and include the following in the body of the message: subscribe CLIMATE-L [your name].

Subscribers can also send a message to others on the list at <CLIMATE-L@mbnet.mb.ca>. For assistance in subscribing or for further information contact the *Earth Negotiations Bulletin* at <enb@iisd.org>.

### **LINKAGES ON-LINE COVERAGE**

The Linkages WWW-server, in addition to the daily ENB reports, now features photos and Real Audio recordings, including excerpts from Chair Estrada's and Executive Secretary Zammit-Cutajar's opening statements. The Linkages site can be found at <http://www.iisd.ca/linkages/climate/climate.html>.

### **ENB SUMMARY OF THE MEETINGS OF THE FCCC SUBSIDIARY BODIES**

The ENB will produce a summary report of SBI-6, SBSTA-6, AG13-5 and AGBM-7. For information on receiving the summary via e-mail, send a message to the Earth Negotiations Bulletin at <enb@iisd.org>.