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HIGHLIGHTS FROM THE MEETINGS OF THE FCCC SUBSIDIARY BODIES 27 OCTOBER 1997

Delegates to the eighth session of the *Ad Hoc* Group on the Berlin Mandate (AGBM-8) met in Plenary in the morning. The seventh session of Subsidiary Body for Implementation (SBI-7) considered arrangements for intergovernmental meetings. In the afternoon, delegates met in "non-group" sessions on Article 4.1, policies and measures (P&Ms) and institutions and mechanisms. Some non-groups also convened for evening sessions.

AD HOC GROUP ON THE BERLIN MANDATE

AGBM Chair Raúl Estrada-Oyuela (Argentina) invited the chairs of the non-groups to report on their progress.

Bo Kjällén (Sweden) reported on the QELROs non-groups. He said delegates in the non-group chaired by Luiz Gylvan Meira Filho (Brazil) supported a revised Article 3(1) that sets out the legally binding nature of commitments. Sinks were a key emerging issue and further consultations are forthcoming. The group decided that the non-group on institutions and mechanisms should address issues concerning the legal status of Attachment 1, which would list differentiated commitments. Regarding Annex C (process for establishing differentiated commitments), Parties supporting differentiation will engage in informal consultations.

Articles 3(3), specifying which Parties are committed, and 3(5), requiring demonstrable progress by 2005, are still under consideration. Discussions on Article 3(6) - 3(12) have been deferred, pending further discussions on emissions budgets. Article 3(16) has been deferred until Parties determine which gases to include. He said the AGBM Chair requested SBTSA's assistance on methodologies and a draft decision has been circulated. Delegates disagreed over Global Warming Potentials (GWPs), and a contact group will consider the issue.

On the second non-group, chaired by Kjällén, he reported broad agreement and a new text on 3(4) (countries with economies in transition). On 3(13) and 3(14) (crediting), amendments were suggested and further consideration will await discussions on emissions budgets. On Articles 5 (emissions trading) and 6 (joint implementation), Kjällén reported wide differences of opinion. Informal consultations were held on Saturday but some key delegations did not participate. The Chair will produce a revised text based on written submissions.

He said both QELROs groups have advanced slowly, but there has been a useful exchange of views. He said that on many issues the positions of some Parties are still far apart and there is no evidence of emerging consensus. The agenda for both segments is considerable and a number of things must still be addressed, such

as compliance and voluntary commitments. He cautioned delegates to realize that all elements are linked, and the purpose of this meeting is to intensify the effort towards consensus.

Evans King (Trinidad and Tobago), Chair of the non-group on advancing the commitments in FCCC Article 4.1 (Article 12 in the draft negotiating text), reported that delegates had reached agreement on the chapeau, but have not discussed all the sub-paragraphs. Discussions have proven that views are divergent and delegates have not reached consensus. A paragraph on implementation information will be set aside pending resolution of related matters. On Article 13 (financial mechanism), he said delegates had exchanged views and he is undertaking bilateral consultations.

Bakary Kante (Senegal), Chair of the non-group on policies and measures (P&Ms), reported that the non-group had addressed nearly all paragraphs contained in Article 2 and Annex A of the negotiating text. He said "last minute" formulations had prevented consensus on a paragraph requiring the adoption of P&Ms. The text currently contains bracketed language under which Parties would adopt and implement P&Ms towards the achievement of commitments of QELROs. Alternative texts have been proposed both by the EU and by the G-77 regarding a paragraph on minimizing the adverse effects of P&Ms. A paragraph on sharing experiences contains bracketed language on the development of common methodologies. The EU said it could work with text proposed by the G-77/China.

The AGBM Chair, for the Chair of the non-group on institutions and mechanisms, reported that discussions had begun on the preamble, but further consultations were needed. Regarding definitions, the Secretariat will compile a list of terms from the agreed text that need to be defined. Article 14 contains alternative texts on establishing a Meeting of the Parties (MOP) or having the FCCC Conference of the Parties (COP) serve as the supreme body. Delegates worked on the COP text and the Chair has produced a revised text that takes into account views of those who favored the MOP approach. The non-group has discussed Articles 15 - 19, but has yet to consider Articles 20 - 26.

The RUSSIAN FEDERATION suggested that Parties find agreement on the quantitative parameters of the protocol, expanding the "bubble" concept to all Annex I Parties in line with the principle of common but differentiated responsibilities. The commitments of individual Parties in the bubble could be based on the proposed targets put forward by those Parties. By 2010, an annual average reduction of some 3% could be achieved. Commitments should be achieved in absolute numbers rather than in percentage terms. He suggested that any attempt to apply a single criterion could give rise to a desire by some Parties to be taken out of Annex I.

The UK, commenting on the Russian proposal, said that the EU proposal for a 15% reduction in emissions was not unilateral but dependent on similar efforts by others. He conveyed a number of points from a Commonwealth Heads of Government communiqué: the importance of a successful outcome in Kyoto; a call on Parties at the COP to recognize that all countries would need to play a part in pursuing emissions reductions after Kyoto; and a call for monitoring of commitments.

SAMOA, for AOSIS, said that US President Clinton's announcement did not provide the leadership expected from the world's wealthiest nation. The US commitment was not a new commitment but an attempt to delay the achievement of a goal that COP-1 had decided was inadequate. Climate change risks demand action on the basis of the precautionary principle not the wait-and-see approach. He urged President Clinton not to defer responsibility for the duration of some three presidential terms. EGYPT called for the preparation of a unified text, indicating points of agreement and disagreement, to take to the capitals Friday.

The EU, welcomed the fact that the US and Japan shared its concerns and recognized the potential to reduce GHGs through cost-effective domestic action, but added that this was not properly reflected in the proposed targets. The US figures were lower than Japan's already insufficient targets. Serious negotiations would be needed if Kyoto is to produce the outcome the world needs. The EU will seek intensive dialogue with all Parties.

The US described its proposal as aggressive and pointed out that some other proposals do not check the growth of trace gases nor protect forests and soil sinks. The proposal was fully compatible with long-term concentration targets that have been put forward by other Parties, i.e. 550 ppmv. Avoiding such concentrations would depend more on developing countries' responses. No other Party was ready to implement its domestic program so expeditiously, leading others to propose unrealistic targets that fail to address HFCs, PFCs and SF₆. The US had also provided the most detailed proposals for compliance. Promptly beginning the process of agreeing on developing country commitments would help them avoid the emissions-intensive path pursued by the industrialized world.

SUBSIDIARY BODY FOR IMPLEMENTATION

On arrangements for COP-3, FCCC Executive Secretary Michael Zammit-Cutajar said discussions with the Japanese government were on the verge of a successful conclusion. He said that taking account the legal opinions and practices of Japan's authorities, Japan's opinion on the legal character of the COP and Convention Secretariat, and of Japan's practice for security and police protection at UN conferences, the international understanding for COP-3 would be an exchange of letters. He said the Secretariat had sought and obtained a practical understanding to produce the desired results without prejudicing these views, and that the Secretariat's understanding should not be considered a precedent for other meetings. Without prejudice, the government of Japan will extend to representatives of Parties and others involved in COP-3 such services, facilities, security privileges and immunity as provided to other international and UN conferences in Japan.

JAPAN acknowledged that it had virtually succeeded in concluding issues with the Secretariat. He said the government of Japan fully intends to provide the necessary facilities to all functions and to ensure the COP is conducted as smoothly as possible.

SBI Chair Mohammed Ould El-Ghaouth introduced a draft decision to hold COP-4 in Bonn in November 1998 and requesting that the Secretariat make necessary arrangements. The decision was agreed. On the G-77/CHINA's proposed agenda for COP-3's high-level segment, the Chair said the segment would be organized

with a traditional first-come, first-served list of speakers. He said the G-77/CHINA proposal could be distributed as an official document, although ministers customarily speak on national issues, not on a requested list of topics. SAUDI ARABIA, KUWAIT and CHINA requested that the proposal become an official document.

NON-GROUP ON ARTICLE 4.1

The non-group discussed a non-paper proposed by its Chair. Delegates were unclear whether the AGBM Chair's consolidated negotiating text remained the basis for negotiations. A delegation indicated that agreement on an initial paragraph containing a reference to the advancement of commitments based on differentiated responsibilities and national priorities would be contingent upon outcomes in other areas. A group of countries said that advancement of existing developing countries' commitments depends on the provision of financial resources and transfer of technology. Some delegates pointed out the lack of progress in negotiations.

NON-GROUP ON INSTITUTIONS AND MECHANISMS

The non-group on institutions and mechanisms discussed the final articles of the draft negotiating text, including those on ratification, regional economic integration organizations, entry into force and withdrawal. A number of substantive discussions were postponed until decisions determining the overall shape of the protocol or other legal instrument have been taken, and the group agreed to reconvene for an evening session. On provisions for regional economic integration organizations, most participants felt that the issue should be deferred as it is linked to the AGBM's acceptance of the "bubble" concept for meeting commitments. Negotiators concluded that a decision on whether to link entry into force to the number of ratifications alone or to a combination of ratifications and carbon dioxide emissions covered should also be postponed. One group supported entry into force after fifty ratifications.

NON-GROUP ON POLICIES AND MEASURES

Delegates received proposed text from a regional group and from a group of industrialized countries, and debated which paragraphs they were to consider. The Chair proposed discussing paragraphs in a specific order. The regional group sought to consider the entire article as a whole because of newly proposed text in one subparagraph stating that Parties will adopt P&Ms according to their priority areas. The regional group's proposal divides the P&Ms into three types; obligatory, intermediate and voluntary. The Chair of a contact group reported that participants had been unable to agree on revising a paragraph concerning P&Ms in Annex A. The non-group met again in the evening.

IN THE CORRIDORS

Under pressure of time and, in some cases under fire, some negotiators are reporting an increasingly fraught atmosphere in Bonn. "Between a rock and a hard place" was how one participant summed up the position of negotiators bound by and unable to draw back from highly publicized negotiating positions. Suspicions about obstruction and splitting tactics are being quietly aired. The only clear target to emerge thus far has been the US position, which has been fired on from all sides.

THINGS TO LOOK FOR TODAY

NGO Briefing: The NGO briefing will be held at 9:30 am.

Non-group Meetings: Consult the journal for times and locations.

SBSTA: SBSTA will meet at 3:00 pm.