



# Earth Negotiations Bulletin

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## INCD HIGHLIGHTS TUESDAY, 15 AUGUST 1995

### WORKING GROUP I

The Group met in informal session to consider draft decisions on the Global Mechanism (GM) and the location of a Permanent Secretariat. The Group then met briefly in formal session to adopt the decisions from the informal meeting.

#### GLOBAL MECHANISM

**Uganda**, on behalf of the G-77 and China, summarized the draft decision (A/AC.241/WG.I(VII)/L.2), which invites institutions to transmit additional and complementary information. Areas of additional information include modalities of operations, the relationship between the COP and host institution, and financial mobilization and accountability according to the institution's governing bodies. It also mandates a review of the GM according to a Secretariat report.

In the preamble, **Benin, Senegal and Guinea** added a sentence noting the positive responses of IFAD and UNDP but disagreed on the wording of the amendment.

The **US**, the **UK** and **Spain** urged that the decision should also instruct the Interim Secretariat to collect delegations' views on modalities of the GM and compile them into a draft paper. They said the INCD should define the GM modalities so that potential host institutions could respond to clear requirements. Some delegates suggested that the references to the GM in the Convention provided adequate description for potential host institutions. Another suggestion was that the Interim Secretariat should compile references to the GM in the CCD and its annexes, and also write draft selection criteria, as part of a report.

**UNDP** said it needed indications from the Working Group on the role and functions of the GM. He hoped the selection would not be a bidding process but one of interagency partnership.

The Chair adjourned the morning session with a request that delegations submit their proposed amendments to the G-77 and China for possible incorporation into the decision.

In the afternoon, **Uganda** presented a revised draft decision that notes the responses by potential host organizations and welcomes the positive character of UNDP and IFAD's responses. It also requests: a compilation of articles relevant to the GM from the Interim Secretariat; a compilation of inputs from member States; and that the Secretariat should prepare a preliminary draft list of selection criteria for a host institution. The decision invites interested organizations to continue consulting with their governing bodies and plans a review of the GM selection for INCD-8.

Delegates adopted the revised draft decision.

### DESIGNATION OF A PERMANENT SECRETARIAT AND ARRANGEMENTS FOR ITS FUNCTIONING

The Chair invited comments on the draft decision on Designation of a Permanent Secretariat (A/AC.241/WG.I(VII)/L.1) submitted by the G-77 and China. The draft decision's annex would: institutionally link the Permanent Secretariat to the UN Secretariat; invite all institutions concerned with desertification to support the Secretariat; and recommend that the General Assembly should continue providing funding arrangements for core staff, operating expenses and the cost of conference services for the COP.

**Spain** said it would be premature to adopt the decision because delegates should know specific offers of the UN Secretary General and others before making a decision. The **UK** agreed, noting that an early decision might cut off offers from other organizations.

**Uganda**, on behalf of the G77 and China, said its proposal could be left pending, but should be seen as one possible solution. He asked that the draft decision be held for future consideration.

The Chair proposed a substitute draft decision that was amended by the **US, Tunisia and Brazil**. The draft decision was adopted. It: "Requests the Secretary General of the UN to submit to the Committee, at its next session, a report on the nature of administrative arrangements that can be provided and on support from the UN to the Permanent Secretariat without being fully integrated in the work programme or management structure of any particular programme."

Delegates then considered amendments to the Annexes of the document on Designation of a Permanent Secretariat (A/AC.241/34). The Chair noted that decisions had not been made on relevant international organizations, thus consideration of Annex I was premature.

On Annex II, describing categories of information requested from countries interested to host the Permanent Secretariat, **Germany**, supported by Mauritania, Antigua and Barbuda, Morocco, and the US, proposed deleting all amendments. **Senegal, Guinea and Benin** said the amendment to paragraph 10 on additional financial support from the host government should remain.

**Germany** suggested adding a reference to financial support for the INC process as a criterion. Several delegations supported the German suggestion, but **Mauritania** said the paragraph gives weight only to rich countries. The Chair suggested

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changing the reference from “financial support” to “support”. The amended Annex II was adopted.

In formal session, the Chair reviewed the Working Group’s decisions — adoption of procedural decisions on the Global Mechanism and Designation of a Permanent Secretariat, and requests for revised documents for the next session on Financial Rules and the Programme and Budget.

### **WORKING GROUP II**

The Working Group resumed discussion of the remaining sections of the draft rules of procedure of the Conference of the Parties (A/AC.241/38). The Secretariat circulated an informal paper (A/AC.241/WG.II.(VII)/CRP.1) which formed the basis of work of the informal group on Science and Technology.

#### **DRAFT RULES OF PROCEDURE OF THE CONFERENCE OF THE PARTIES**

**Rule 46** describes voting rights. Spain said the voting alternatives provided for member States and regional economic integration organizations in paragraph 2 are incorrect. Tunisia suggested bracketing the reference to “economic” in Regional Economic Integration Organizations since there are various types of regional organizations.

**Rule 47** deals with the majority required to make various decisions. Spain said the rule does not provide a procedure where two alternatives have been proposed. The US, supported by the UK, Japan and Canada, proposed text in paragraph 1(b) that provides for financial decisions to be made by consensus. Uganda, supported by Benin, said the proposal should be bracketed. The Chair pointed out that the financial rules being dealt with here are not the same as those under the discussion in Working Group I. The Secretariat clarified that the rule suggests that on all matters of substance for which consensus is not obtained, the decision shall be made by a two-thirds majority vote, except in three instances: when the Convention provides an alternative; in cases where the financial rules provide guidance; and under the proposed set of rules of procedure.

Paragraph 3 gives authority to the President to rule on whether a matter is procedural or substantive. Egypt suggested replacing “President” with “Bureau” as had been done in the preceding Rules.

**Rule 48** defines the “Parties present and voting.” Uganda, supported by the UK, said the rule should be placed under Rule 2 on definitions.

**Rule 53** addresses the method of voting. Uganda said the rule should be cross-referenced to rule 47, paragraph 2. Benin said the roll call vote should not be taken in the “English” language alphabetical order, but in keeping with the main UN language spoken at the venue of a meeting. He also proposed additional paragraphs to list all the alternative voting methods and stipulate that voting should only be done in plenary.

South Africa said the drafting of paragraph 2 does not vest power in the President of the COP to rule on the roll-call vote, since a provision is made for secret ballot. A supplementary procedure should be provided.

**Rule 56** provides for the procedure of elections in the absence of a majority. Benin, supported by Egypt, amended paragraph 1 so that if votes are equally divided in the second and third ballots, the President shall “proceed to draw lots to decide between the two candidates.”

Under Section XII, Languages and sound records, Japan suggested a reduction of official languages to three to reduce costs and wanted to bracket **Rule 58**. This was contested by several delegations including Spain, China, Benin, Cuba, Kazakhstan, France and Mexico. Under Section XIII, Amendments to rules of procedure and status, Benin proposed a deletion in **Rule 62** of the words “by consensus” since other parts of the Convention do not say that amendments have to be adopted by consensus. This was contested by the UK. Uganda

supported Benin and suggested to put “by consensus” in brackets. The Chair commented that if consensus is deleted then rule 47 will apply instead and said that it makes sense to adopt rules of procedure by consensus.

The Group then went on to adopt the draft decision on the Rules of procedure of the Conference of the Parties. It states that the INCD should use the draft rules of procedure of the COP prepared by the Interim Secretariat (document A/AC.241/38) as the basis for future negotiations, and it requests the Secretariat to prepare a revised text for the eighth session.

### **INFORMAL GROUP ON SCIENCE AND TECHNOLOGY**

The Group continued its consideration of the Informal paper on the terms of reference of the Committee on Science and Technology (CST), the roster of independent experts and *ad hoc* panels.

**Functions:** There were a number of conflicting proposals regarding sections on evaluation of networks and institutions, research and review activities, technology transfer, and evaluation and exchange of information. It was finally suggested that all these paragraphs could be merged into one section called “Evaluation”.

**Operations of the CST:** There were suggestions to delete a sentence on the CST’s own research agenda, a sentence on when the CST should hold meetings and the paragraph recommending that the CST should make full use of communication technology. However, concerns were raised that developing countries that do not have access to e-mail could be excluded. There seemed to be general agreement that the section on operations of the CST is too descriptive and that it should be incorporated in the introduction or in other relevant parts of the document.

**Structure and Membership:** The section proposes a Committee that is multidisciplinary. It should be open to all Parties and have only one government representative. A Party can designate more than one expert. The Committee should reflect various expertise, including qualified scientists and members of affected groups including women, ethnic minorities and indigenous peoples.

Many of the proposals in this section were not acceptable to most delegates. There was general agreement that the CST should be limited and drawn from representatives of the Parties to the CCD and be multidisciplinary. Experts can be designated by governments.

Some delegates suggested the inclusion of sectoral groups such as women, regional and international organizations as well as NGOs. There seemed to be consensus on the need for a Bureau for the CST. There were divergent views on the question of regional representation.

Consensus was reached that different interest groups should provide proposals that can be negotiated at the next INCD. The Secretariat will prepare a document covering: the revised texts of the sections discussed during this session; proposals from the interest groups on this section; and sections of the CRP document not covered during this session.

## **THINGS TO LOOK FOR TODAY**

**WORKING GROUP I:** Delegates have concluded their work and will not meet today. Look for revised versions of draft decisions and documents.

**WORKING GROUP II:** The Group will meet in formal session to complete consideration of Procedures for Communication of Information and Review of Implementation (A/AC.241/39). Delegates are likely to adopt a draft decision on the paper. The informal Group on Science and Technology is likely to resume discussion of A/AC.241/WG.II.(VII)/CRP.1.