



# Earth Negotiations Bulletin

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## INCD-10 HIGHLIGHTS THURSDAY, 9 JANUARY 1997

Working Group I considered the Global Mechanism during the morning and evening, and arrangements for designation of the Permanent Secretariat and arrangements for its functioning during the afternoon. Working Group II completed consideration of the rules of procedure during the morning and discussed the draft programme of work for the Committee on Science and Technology during the afternoon.

### WORKING GROUP I

**GLOBAL MECHANISM:** The morning session adjourned early to enable the G-77 and China to complete discussions on the Global Mechanism (GM) and the OECD group of countries to consult on the Permanent Secretariat. In the afternoon, an informal open-ended working group, with core regional representatives, began negotiations on text for paragraph 4 (mobilization of resources).

#### INFORMAL OPEN-ENDED WORKING GROUP:

Following introductory remarks from the Chair, one regional group circulated and introduced a six-paragraph non-paper, which combined different sub-paragraphs of paragraph 4 drawn from document A/51/76/Add.1, for discussion. Although many delegations were hesitant to comment on this draft text, they made preliminary observations that centered on whether or not the GM should mobilize and channel financial resources.

Some argued against: the tendency to arbitrarily select text on mobilization of resources; the failure to include proposals made Wednesday by other delegations; and the failure to link the function of mobilizing and channelling of resources to "promoting or facilitating" these activities. Some said the GM cannot disburse financial resources because there are no legal provisions on disbursement. Others said mobilizing resources is the role of the Parties, not the GM. Some noted that: the Convention provisions do not bar the GM from mobilizing or channelling resources; mobilizing resources is in line with Article 2 of the Convention; and the functions allocated to the GM so far are very academic.

Many delegates expressed frustration and urged each other to stop playing "hide-and-seek." Some were hesitant to begin a

paragraph-by-paragraph reading of the non-paper, and expressed a preference to discuss the Chair's text contained in document A/51/76/Add.1. Negotiations continued into the evening.

**PERMANENT SECRETARIAT:** The Secretariat introduced the administrative arrangements for the Permanent Secretariat contained in A/AC.241/64 prepared from: draft decision A/AC.241/WGI/VII/L.1, submitted by Uganda at INCD-7; proposals of the Secretary-General at INCD-8 in A/AC.241/44, which were amended to A/AC.241/55 for INCD-9; and proposals from the UNEP Executive Director to INCD-9 in A/AC.241/55/Add.2. Document A/AC.241/64 contains answers provided by the UN and UNEP to the questions raised by delegations at INCD-9. Referring to paragraph 15, the Secretariat said the questions on budget and staffing are the prerogative of the COP, thus the UN and UNEP could not issue responses. He also pointed out a typographical error that makes reference to possible budget and staffing implications, which are contained in document A/AC.241/65.

Substantive discussion on the subject took place in the afternoon. The Chair submitted a draft decision similar to the one he submitted at INCD-9. Delegates agreed to a first reading of the draft, on the understanding that a substantive discussion would be held during the second week after regional consultations.

The Chair's document decides that the Permanent Secretariat: shall be institutionally linked either to the UN or UNEP without being fully integrated into the work programme and management structure of the institution; accepts the arrangements proposed for administrative support; decides to review these arrangements not later than the fourth session, in consultation with the institution's head; requests the Executive Secretary to pursue the question of allotment of overhead to defer administrative expenses and to report the results to the second session; and expresses appreciation to the UN agencies and UN system that have supported the Interim Secretariat. The decision also contains preambular paragraphs of a procedural nature, which authorize the draft decision.

Austria reserved its position on the substantive and legal construction of the paragraph on institutional linkages, while Haiti noted that the language of the text is not conclusive because text in all the UN's official languages was not available.

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## WORKING GROUP II

The Working Group II Chair, Takao Shibata (Japan), convened the Group and asked delegates to consider the Rules of Procedure of the Conference of the Parties (COP) (A/AC.241/48/Rev.2).

**RULES OF PROCEDURE OF THE COP:** In **Rule 5** (notification of sessions), Uganda, on behalf of the G-77 and China, suggested that the Permanent Secretariat shall notify all Parties of the dates and venue of "an ordinary session," and that the date and venue of an extraordinary session shall be notified pursuant to rule 4, paragraph 3 (when extraordinary sessions can be held) "and 4" (if held at written request). Delegates agreed. In **Rule 6** (participation of UN specialized agencies), it was agreed to keep the brackets until it has been decided whether the Global Mechanism should be housed by one or several organizations.

The Chair opened debate on **Rules 22, 31 and 46** hoping that by solving Rule 22, the other two would be solved automatically. Despite pleas from the Chair to specify the number of Bureau members, no agreement was reached and the brackets in all three Rules remain. Under **Rule 22, paragraph 1** (composition of the Bureau of the COP), the G-77 and China wanted: nine Vice-Presidents; deletion of the text referring to representation of each geographical region by two members; and deletion of the text on representation of regions referred to in the implementation annexes of the Convention. The UK noted that Bureaus of subsidiary bodies would then also have to have eleven members. He preferred three. Spain wanted to retain representation of regions in the implementation annexes. In **Rule 31** (election of officers in subsidiary bodies), Spain wanted to retain the text on the representation of regions referred to in the implementation annexes. The G-77 and China objected. The Chair suggested bracketing "nine" and deleting "three" in Rule 22 so that the COP-1 President would have an indicative number when forming the Bureau. The UK added a bracketed "four" Vice-Chairpersons in Rule 31.

In **Rule 46** (voting), the EU said a similar rule is not finalized for the FCCC (Framework Convention on Climate Change) and the CBD (Convention on Biological Diversity). The G-77 and China supported text noting that, if consensus is not reached, a decision shall be taken by a two thirds majority vote of the Parties present and voting. The EU, supported by the US, wanted to keep agreement by consensus. The Chair noted that the FCCC did not adopt its rules of procedure but applied them with brackets. The CBD adopted its rules of procedure with brackets. The G-77 and China preferred the CBD precedence.

In **Rule 51** (method of voting for general matters), the G-77 and China proposed that a vote be taken "in the order used or established by the General Assembly," which is in English alphabetical order. The UK added in the order used or established "by the rules of procedure" by the GA, which was agreed.

**Rule 58** now states that official documents of the sessions shall be drawn up in one of the official languages and translated into the other official languages.

**SCIENTIFIC AND TECHNOLOGICAL COOPERATION:** The Secretariat presented document A/AC.241/66 on a draft proposed programme of work for the Committee on Science and Technology (CST), which suggests four priority areas: networking of institutions; benchmarks and indicators; inventories of traditional and local knowledge; and establishment of research priorities.

Regarding networking, the G-77 and China suggested identifying potential networks in addition to existing networks. India called attention to regional networks. Delegates will submit names of organizations that could draw up costed proposals for COP-1 on the survey and evaluation of networks, as well as suggestions for the terms of reference for the survey.

Regarding benchmarks and indicators, the Secretariat introduced A/AC.241/INF.4, the report on work being done on benchmarks and indicators. The UK suggested that the informal group that prepared the report: possibly be continued and expanded; extend its work to other regions in addition to Africa; and develop guidelines on ways to apply and use indicators. The Chair noted the Group's desire for an informal, open-ended consultative process to continue. Delegates will submit suggestions for the areas on which the group could focus.

The Working Group also decided to ask delegations, international and non-governmental organizations to send the Interim Secretariat views on how to conduct work on: inventories of traditional and local technology, knowledge, know-how and practices; and the establishment of research priorities. The Interim Secretariat will compile these.

Richard Ledger of the NGO working group on the CST pointed out that benchmarks need to be "predictive" and hoped that NGOs could take part in the informal consultative process on benchmarks and indicators. He proposed an *ad hoc* panel of the CST to focus on local area development. To ensure the important link between the micro and the macro levels, he said half of that panel should be composed of NGO representatives.

The Group also decided that the INCD should request the Interim Secretariat to present an annotated agenda for the first meeting of the CST to be presented to COP-1.

## IN THE CORRIDORS

Although discussion on the actual organization that will provide administrative support to the Permanent Secretariat will not take place in Working Group I until early next week, discussions have already begun in the corridors. The experiences of the climate change and biological diversity conventions are informing the choice of some participants. They note the decision taken at COP-3 for the CBD, inviting the Executive Secretary and UNEP to clarify and make more effective their respective roles and to follow, as far as possible and where appropriate, the arrangements agreed between the UN and the FCCC on personnel, financial and common services arrangements. Some anticipate that agreement will be reached at INCD-10.

## THINGS TO LOOK FOR TODAY

**WORKING GROUP I:** The Group is expected to meet at 10:00 am to continue deliberations on the Global Mechanism and at 3:00 pm to discuss the programme and budget. The draft decision on administrative arrangements for the Permanent Secretariat will be circulated Friday morning in all official languages.

**WORKING GROUP II:** The Group will meet at 10:00 am to continue discussions on scientific and technological cooperation, but is not expected to meet in the afternoon.

**ACCT MEETING:** ACCT will host a meeting of Francophone countries from 1:00 to 2:00 pm. See the Journal for location.