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## INC-11 HIGHLIGHTS THURSDAY, 16 FEBRUARY 1995

### PLENARY

In opening Thursday morning's Plenary, the INC Chair reported that the Eastern European Group has nominated the Russian Federation and Hungary and the Asian Group has nominated India and Japan for positions on the COP Bureau. Japan then announced that it would make an additional US\$100,000 contribution to the Voluntary Fund for the participation of the least developed countries at COP-1.

**AGENDA ITEM 6 — RULES OF PROCEDURE:** Amb. Sreenivasan introduced A/AC.237/L.22/Rev.2, which contains the results of his informal consultations on the Rules of Procedure. He noted that Rule 42 remains within square brackets. He also noted that one delegation submitted additional proposals on Rule 22 (officers) and Rule 27 (subsidiary bodies) during the consultations. Although there was discussion of these rules, there was no consensus. One delegation asked to put Rule 54 (languages) in brackets, but since there was no support for this proposal, the delegate was informed that its views would be summarized in the report of INC-11. In the event that there is no agreement on the Rules of Procedure, the Plenary will have to come up with a contingency plan — either continue to apply the rules of the INC or adopt only the Rules of Procedure that are agreed upon.

**Rule 42 — Voting:** Venezuela, Kuwait, Colombia, Saudi Arabia, Nigeria, Iran, China and Zaire preferred Alternative B, which ensures that substantive decisions, including the adoption of protocols, are taken by consensus. The EU, Australia, Japan, Canada, Czech Republic, Brazil, Switzerland, South Africa and Slovakia expressed favor for Alternative A, provided that paragraph (b) reads that a decision to adopt a protocol would be taken by a 3/4 majority. New Zealand and the US preferred Alternative A and are flexible on either a 2/3 or 3/4 majority.

Trinidad and Tobago, on behalf of AOSIS, the Marshall Islands, Samoa, Micronesia, Norway, Mauritius, Solomon Islands and Cuba preferred Alternative A, provided that paragraph (b) is deleted, and that protocols are considered matters of substance, which will be adopted by consensus or, as a last resort, a 2/3 majority vote. New Zealand, Mauritius and Egypt called for the deletion of Alternative A, paragraph (c) on decisions under paragraph 3 of Article 4 and paragraphs 1, 3 or 4 of Article 11, which shall be taken by consensus.

**Rule 22 — Officers:** The Chair invited comments on Rule 22, Officers, and Non-Paper No. 2, which proposed including a representative from the oil exporting countries in the Bureau. Venezuela commented that this proposal had been submitted during informal consultations, but the Bureau rejected it without legal authority. The Chair said the rules have been discussed at length for more than two years and that the Bureau's mandate allowed limiting the options so that the Plenary could complete its work. Saudi Arabia, Iran, Kuwait, Indonesia, Algeria and Nigeria said that the issue had not been discussed thoroughly and wanted the proposal included in brackets.

Antigua and Barbuda asked the Vice-Chair which countries had proposed the current draft and if any group had objected to its acceptance. The Vice-Chair replied that the draft reflected a G-77 proposal and no group objected at the time. Uruguay commented that the COP should not begin without rules of procedure and urged countries to accept the rules now and propose amendments later.

The US, supported by the EU, Australia, Canada and New Zealand, objected to the proposal on substantive, rather than procedural, grounds. There are many categories of "special needs" countries, besides AOSIS, and opening the Bureau to one will require opening it to the others. The EU added that the small island States face a physical threat, whereas the OPEC countries face only economic adjustments like every other Party. Japan suggested a provision that would allow the President to convene "extended" bureau meetings to allow these countries to express their views.

**Rule 30 — Conduct of Business:** The US noted that Rule 30 in A/AC.237/L.22/Rev.1, on meetings of the COP and the subsidiary bodies, had a footnote allowing accredited observers to participate in "private" meetings. She said that unless the footnote was included, the US would request further discussion. The Chair stated that Paragraph 106(c) of the Report of the Committee (A/AC.237/41) covers the footnote. The US preferred its inclusion in the Rules of Procedure since no other Party objected.

**Rule 54 — Languages:** Japan proposed that Rule 54, which lists six official languages, remain unaltered, but that a second paragraph or a footnote should be included stating, "The lack of documentation or interpretation in any these languages due to budgetary constraints shall not interrupt the smooth proceeding of COP and its subsidiary bodies." New Zealand supported the proposal, but changed the word "any" to "all." The Russian Federation, supported by the EU, China and Kuwait, said this proposal was completely unacceptable because it would cast doubt on the use of all six languages and revise a standard UN practice. The Russian Federation added that if Japan insisted on including

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this provision, it would propose bracketing the entire document. Japan said it could not accept Rule 54 without the additional provision, and would have to bracket the rule.

The Chair closed the meeting by announcing that he would hold further consultations on these rules in an attempt to reach a consensus before he reconvened the Plenary at 4:30 pm. However, at 6:00 pm he announced that the Plenary would not reconvene because he was still consulting. He asked interested delegations to remain in the room to facilitate the consultative process.

### **WORKING GROUP I**

Working Group I did not meet until 10:00 pm. Delegates had negotiated during the day in a number of contact groups. By early evening all had produced consensus drafts except the group addressing adequacy of commitments, which negotiated for several hours over language referring to Article 4.2(a) and (b).

**AGENDA ITEM 7(a) — FIRST REVIEW OF NATIONAL COMMUNICATIONS:** The Group adopted future document A/AC.237/WG.1/L.27, draft conclusions and recommendations on review of national communications by Annex I Parties. The draft urges Annex I Parties that have not yet submitted their first communications to do so, requests a second communication by 15 April 1997 and annual emissions inventories, and asks the Secretariat to compile views on these guidelines. It also mandates an in-depth review for all communications and a second synthesis report in "non-confrontational" language that, as appropriate, names Parties.

The Chair introduced a second draft decision that replaces paragraphs 7 and 8 of A/AC.237/WG.1/L.27, requests that subsidiary bodies develop for COP-2 a set of guidelines for communications from non-Annex I Parties, and asks the Secretariat to compile views on the guidelines. France, on behalf of the EU, added "bearing in mind the discussions on the subject held during INC-10 and 11" to the preamble. The Philippines, on behalf of the G-77 and China, objected. The Chair's text was adopted without the amendment.

**AGENDA ITEM 7(b) — ADEQUACY OF COMMITMENTS:** The Working Group adopted document A/AC.237/WG.1/L.28, a Review of the Adequacy of Commitments in Article 4, Paragraph 2(a) and (b). The contact group agreed that the draft's fourth paragraph states that Article 4.2(a) and (b) is "only a first step in implementing the objective of the Convention and it is subject to review at the first session of the Conference of the Parties under Article 4.2(d) of the Convention." The text was adopted with applause from delegates.

**AGENDA ITEM 7(c) — JOINT IMPLEMENTATION:** A contact group met Thursday on JI but was unable to resolve differences that had extended the previous day's debate past midnight. The draft decision on criteria for joint implementation, adopted in future document A/AC.237/WG.1/L.29, recommends that COP-1 continue consideration of JI criteria based on views expressed and three separate draft texts, future documents A/AC.237/WG.1/L.30 from the G-77 and China, A/AC.237/WG.1/L.31 from the EU and A/AC.237/WG.1/L.32 from the US. The Chair said the Group had made progress in transmitting responsibility to the ministers in Berlin.

**AGENDA ITEM 7(d) — METHODOLOGICAL ISSUES:** The text in A/AC.237/WG.1/L.25 was adopted. It includes a decision that the IPCC guidelines or simplified default methodologies "should be used by non-Annex I Parties, as appropriate and to the extent possible, in the fulfillment of their commitments under the Convention." It also states that Parties may use Global Warming Potentials to express their inventories and

projections in CO<sub>2</sub> equivalents, using the IPCC 1994 Special Report's 100-year time horizon. It also instructs the SBSTA to examine methodological issues and invites relevant international organizations and bodies, including the IPCC, to contribute to SBSTA work on methodologies.

**AGENDA ITEM 7(e) — SUBSIDIARY BODIES:** The Co-Chairs' draft decision on subsidiary bodies was presented in future document A/AC.237/WG.1/L.26. Brackets were removed from Appendix II(e) relating to intergovernmental technical advisory panels and left as "and approved by the Conference of the Parties." Kenya amended paragraph 2(b) on the SBI to include "and make recommendations to the COP on" the report from the operating entity of the financial mechanism.

Annex I, on the functions of the SBSTA, directs the SBSTA to: summarize scientific, technical, socio-economic and other information provided by competent bodies, including the IPCC; consider scientific, technical and socio-economic aspects of the in-depth reviews; and carry out various tasks related to technology transfer. SBSTA would also deal with methodologies for inventories, projections, effects of measures, impact/sensitivity analyses and adaptation. The SBI would consider policy aspects of in-depth reviews, effects on emissions trends of steps taken by Parties and any further commitments, and advise the COP on the financial mechanism, technology transfer, adequacy of commitments, including conducting negotiations on resolutions, amendments and protocols.

Tasks for the SBSTA between COP-1 and -2 include review of the second IPCC assessment and methodological issues, and defining aspects of any technical advisory panels. The SBI would oversee in-depth reviews of policy aspects of national communications, consider reports of the operating entity of the financial mechanism and undertake tasks on the follow-up to the adequacy of commitments. Brackets around the January 1996 date of the intergovernmental technical advisory panels meeting were removed from the schedule in Annex III. The schedule adds a workshop on non-governmental inputs open to all Parties and interested non-governmental participants to discuss non-governmental advisory committees and/or a business consultative mechanism and consideration of the work of the workshop by subsidiary bodies. The text was adopted.

### **IN THE CORRIDORS**

The Contact Group discussing the physical location of the Permanent Secretariat met Thursday afternoon with the representatives of the four countries offering to host the Secretariat — Canada, Germany, Switzerland and Uruguay. While some members of the Group said they had made progress, it appeared as though the Contact Group was not yet in a position to make a recommendation to the Plenary on this matter. It seems that a number of delegations do not have instructions from their capitals on location preferences, should this matter come to a vote on Friday. If the INC is not able to make a recommendation to the COP, it is likely that the decision will not be taken at COP-1. In that case, it may be some time before the Permanent Secretariat has a permanent home.

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

**PLENARY:** The Plenary will not meet today until 12:00 pm to allow time for last-minute negotiations to be completed and the documentation to be ready. The meeting is expected to continue without a lunch break until all of the decisions are adopted and the INC has completed its business.