

Mexican Presidency “small group” meets on mitigation; Co-facilitators issue non-papers on MRV

Cancun, 2 Dec (Meena Raman) – In attempts to break the logjam over mitigation, the Mexican Presidency of the Conference of Parties of the UNFCCC has formed a “small group” of selected delegations to discuss how to address the mitigation efforts of Annex I parties, that apparently involves issues of both the AWGLCA and the AWGKP tracks.

Ambassador Alfonso Luis de Alba of Mexico convened the first meeting of this small group at noon on 1 December. According to diplomats, the meeting was attended by about 30 Parties that had been invited. It is unclear which delegations were invited and how they were selected. The Chairs of the two working groups, Ambassador John Ashe of Antigua and Barbuda and Ms. Margaret Mukahanana Sangarwe of Zimbabwe were present.

Sources say that the main focus of the small-group meeting was on how Parties viewed the issue of the “anchoring of the mitigation pledges” of countries under the AWGLCA and the AWGKP. It was not clear as to whether this was only about the “pledges” of developed countries under the Copenhagen Accord or also included the “pledges” of developing countries.

Several delegates have dubbed the newly formed as a “Green Room” meeting, the name given to a controversial practice in the WTO in which a small exclusive group of selected countries are invited by the Secretariat to discuss and make decisions, which are later given to the wider membership to endorse. Some delegates, especially those who were not invited to the meeting, and even some of those who were, were expressing unease at the “Green Room” method being used in the UNFCCC due to its lack of full transparency.

Meanwhile, in a separate development, two papers were issued on 1 December late afternoon on the MRV (measurement, reporting and verification) of developed and developing countries by the co-facilitators of the 1 the drafting group on mitigation (under the AWGLCA). They contain the co-facilitators’ views on possible elements of parts of the outcome (i.e. the MRV aspects) on paras 1b(i) and 1b(ii) of the Bali Action Plan that deal with mitigation of developed and developing countries respectively.

The convening of the mitigation meeting by the Mexican Presidency that includes a discussion on issues common to the AWGLCA and AWGKOP is a sensitive development because developing countries have for a long time been resisting the breaking of a “firewall” between the two working groups. Their main concern is that this would be an initial step to “merge” the two tracks and could eventually lead down a slippery slope to the demise of the Kyoto Protocol (which has legally binding mitigation commitments for Annex I parties) and the wholesale transfer of the Annex I mitigation issue to the AWGLCA, which in turn could lead to an inferior non-binding system of individual pledges by Annex I parties.

The decision to form the small group did not seem to arise from formal decisions of the AWGLCA or the AWGKP, and took many delegates by surprise, and several did not even know of its existence.

On Wednesday (1 December) late afternoon, and after the first meeting had been held, the Mexican Foreign Affairs Minister Patricia Espinosa informed Parties during a session of the Conference of Parties that Mexican Ambassador, Luis Alfonso de Alba was holding consultations on issues common to the Ad-hoc Working Group on Long-term Cooperative

Action (AWGLCA) and the Ad-hoc Working Group of the Kyoto Protocol (AWGKP).

It would appear that discussion on the issue of the numbers for developed countries' mitigation commitments was not taking place either in the AWGLCA (whose mitigation drafting group is now focusing on the MRV issue) or the AWGKP (in which the numbers for the commitments of Annex I parties has traditionally been its top issue).

Many developing country delegates were expecting negotiations on the 'numbers' under (AWGKP) to determine the developed country commitments for emissions reductions in the second commitment period of the Protocol, which is a critical outcome for Cancun. The 'numbers' issue was also supposed to be a key issue to be discussed at the drafting group on mitigation under the AWGLCA, which is mandated to discuss the mitigation commitments of developed countries, particularly the commitments of Parties of the Convention, which are not Party to the Kyoto Protocol (i.e. the United States).

The attempt to "anchor" the pledges made by countries under the Copenhagen Accord, in an outcome document of Cancun, appears to some delegates to have emerged as a major or even the top priority of some developed countries.

According to several delegates and observers, this "anchoring" exercise is problematic for several reasons. First, many countries have not associated with the Copenhagen Accord, and do not see why the pledges made under it should be transferred to the Convention. Second, there is the concern that "inscribing" the pledges of Annex I parties in the AWGLCA or in the COP would pave the way for the demise of the Kyoto Protocol. Third, the "pledges" by developing countries that were placed on the UNFCCC website are mainly taken from letters sent to the Secretariat and are in different formats and with different conditions, and were not "made" in a formal way nor were they expected to end up in a formal 'schedule' or annex of the Convention.

Meanwhile, according to some delegates, at the meeting of the drafting group on mitigation under the AWGLCA, some developing countries raised the issue of how the Mexican consultations on mitigation were linked to the work of the drafting group. Ambassador de Alba is said to have attended the meeting of the drafting group on December 1 and

informed Parties that his role was strictly complementary and not intended to take away the role of the drafting group.

Meanwhile, the drafting group on mitigation under the AWGLCA, which met on November 30 and 1 December, had an exchange of views among Parties only on the issue measuring, reporting and verification (MRV). Two non-papers were produced by the co-facilitators from New Zealand and Tanzania on 'possible elements of part of the outcome' on paragraphs 1(b)(i) and 1 (b)(ii) of the Bali Action Plan.

According to some delegates, questions were raised by some developing countries as to what was being MRVed when the issue of the mitigation commitments of developed countries was not being negotiated or addressed, and what was the relationship or link between the Facilitators' papers and the negotiating text of August 13.

Some delegates raised the concern that the elements were not balanced as the non-paper for developing countries had more issues than that for the developed countries.

An issue in the paper on MRV of developed countries is the enhanced reporting and review of fulfillment of commitments to ensure rigorous, comparable and transparent accounting of emission targets. One option is for taking account of relevant Kyoto Protocol rules, and another option is applying these rules.

Another issue is whether to enhance the current process of reviewing developed countries' national communications through a new multilateral forum under the Convention or through a compliance process. The review would cover both their mitigation commitments and their provision of financial, technological and capacity building support to developing countries.

The paper on MRV of developing countries addresses 8 aspects linked to possible elements related to MRV of developing countries' NAMAs (nationally appropriate mitigation actions) and MRV of support.

Among the proposed issues and options listed by the Facilitators are different options to set up a registry on mitigation actions and provision of support and enhanced reporting in developing countries' national communications.

One proposed point that is sensitive is that supported actions will be MRVed in accordance with the requirements of the entity providing support.

Another major point is that developing countries will submit biennial greenhouse gas inventories and information on mitigation actions. At present they only submit information in their national communications, which developing countries submit once in many years, and depending on availability of funds.

The paper also has an option for the creation of a multilateral forum under the Convention, which would consider the biennial submission of the developing countries. It would seem that in this proposal, the establishment of this forum would be an implementation of a process of an international review of the developing countries' mitigation actions (whether these actions are internationally supported or domestically funded). Under this option, the paper proposes launching a process to develop modalities and guidelines for such a "consideration."

It is apparent that this proposed point is an elaboration of the "international consultation and analysis" (ICA) of developing countries' mitigation actions, whether internationally supported or not, which is a part of the Copenhagen Accord. This is confirmed by an alternative option in the paper for having no process for international consultation and analysis.

According to some delegates, concerns were raised during the meeting that the MRV process for developing countries should not be more onerous than that for developed countries.

One senior developing country delegate said that the non-papers were leading to more confusion and was creating a loss of focus in the negotiations as there is already a negotiating text (known commonly as the 13 August text put together by the Parties) but the Parties are currently not negotiating on the text. Instead, there is now a Facilitators' paper. And discussions are jumping from one issue to another such as that of MRV, the registry for mitigation actions of developing countries and so on.