

First meeting of the Technology Executive Committee ends with compromise and progress on modalities and procedures

The first meeting of the Technology Executive Committee took place in Bonn from 1st-3rd September and wrestled with the issue of who would be chair and vice-chair of the Committee. It also saw an intense exchange on the issue of intellectual property rights (IPRs) and the relationship of the TEC to the Climate Technology Centre (CTCN). The meeting also made progress on elaborating the modalities and procedures of the Committee.

Panama City, 1 October, 2011 (Meena Raman) – The first meeting of the Technology Executive Committee (TEC) under the United Nations Framework Convention on Climate Change (UNFCCC) kicked off in Bonn, Germany on 1st September, with a tussle between developed and developing countries over the issue of whether the chair of the Committee should be from a developed or developing country.

On the final day of the meeting held on 3 September, a compromise was reached among members of the Committee that the chair and vice-chair "will collaborate in chairing the meetings and in executing the work of the Committee so as to ensure coherence between the meetings."

Based on this collaborative arrangement, members agreed to the appointment of Mr Gabriel Blanco of Argentina as the TEC's first chair and Mr. Antonio Pfluger of Germany to be the vice-chair.

This compromise was reached following an intense tussle and exchange between members over whether the chair of the Committee should be from a developed or developing country.

Developed countries had initially wanted the chair of the TEC to be from an Annex 1 country, while developing countries wanted a member from a non-Annex 1 country to lead the Committee.

This issue threatened to derail progress in the discussions; with one senior member from a developing country expressing disappointment during the meeting that it seemed that developed countries

did not regard developing country members as having the competence to lead the TEC.

While being consistent with the decision adopted in Cancun, Mexico at the meeting of the 16th Conference of Parties for the TEC to "elect annually a chair and a vice-chair from among its members for a term of one year each, with one being a member from an Annex 1 Party and the other being a member from a non-Annex 1 Party," the agreement reached in Bonn reflected what Mr. Jukka Uuskanien of Finland described as "confirming the spirit of how we are working", which in effect was a co-chairing arrangement.

It was also agreed that after the completion of the term of the chair (for 1 year), the chair will be nominated as vice-chair and vice-versa and after the two year cycle is complete, the TEC will put forward two new nominees, unless otherwise decided.

The tussle over whether the first chair should be from a developing or developed country began when the TEC met to address the agenda item on "election of officers".

At the 16th Conference of Parties in Cancun, Mexico, Parties agreed to establish the TEC comprised of 20 expert members (with 9 members from Annex 1 countries and 3 members each from the 3 regions from non-Annex 1 countries of Africa, Asia and the Pacific, and Latin America and the Caribbean, 1 member from a small island state and 1 member from an LDC country). According to the Cancun decision, the TEC was to "elect annually a chair and a vice-

chair from among its members for a term of one year each, with one being a member from an Annex 1 Party and the other being a member from a non-Annex 1 Party.” The decision also states that “the positions of chair and vice-chair shall alternate annually between a member from an Annex 1 Party and a member from a non-Annex 1 Party”.

The Cancun decision tasked the TEC to implement the framework for meaningful and effective actions to enhance the implementation of technology transfer in developing countries.

The meeting was opened and initially chaired by Ms. Christiana Figueres, the Executive Secretary of the UNFCCC.

Developed countries led by Germany, United States and Japan argued that the chair of the TEC should be from an Annex 1 country.

Mr. Pfluger of Germany said that having a chair of the TEC from an Annex 1 country would have a “good mobilizing effect in industrialized countries, which would then be willing to speed up technology transfer”. The US representative, Dr. Rick Duke said that following consultations with business groups, there was strong interest from the groups in engaging on technology issues and having a chair from an Annex 1 country would boost this engagement. Mr. Kunihiro Shimada of Japan echoed these sentiments.

In response, members from Argentina, Sudan and the Small Island States made the case for having the chair from a developing country.

Mr. Gabriel Blanco from Argentina wanted the TEC to be led by a member from a non-Annex 1 country as the Committee’s task is to enable technology transfer in developing countries and having a developing country chair would “send the right message”. He also reminded members that the Expert Group on Technology Transfer (EGTT) was chaired by an Annex 1 Party member and so are the current chairs of the Ad-hoc working groups under the UNFCCC and the Kyoto Protocol.

Mr. Nagmeldin El-Hassan of Sudan expressed similar views as Argentina and said that since the chairs of the EGTT in the past have been from Annex 1 countries, it was only fair that for a start, the TEC be chaired by a non-Annex 1 member.

Mr. Albert Binger of Jamaica, representing the SIDS said that persons from an Annex 1 country would not understand the technology needs of developing countries. There was need for mobilization of technology on the basis of the needs of developing countries.

In response to interventions from members, Ms. Figueres reminded Parties that that role of the chair was not to take on positions of either Annex 1 or non-Annex 1 Parties but to listen and take on the views of everyone and help move the process forward.

Following several attempts during the course of the first day to find a solution to issue, late in the evening, members agreed to have a co-chair arrangement in the interim during the course of the meeting, pending a final resolution of the matter by the end of the meeting on its last day.

The representatives from Argentina and Germany then co-chaired the meeting and discussions proceeded on other agenda items involving “strategic issues and mandated deliverables for Durban” that included the “elaboration of modalities and procedures” of the TEC.

The UNFCCC Executive Secretary had earlier informed members that the nomination of one representative from Asia was still pending with Iran and the United Arab Emirates still in consultations to determine which one of them would be a member of the Committee. (The other two representatives from Asia are China and Kazakhstan).

Figueres in her opening remarks stressed the importance of the TEC in shifting the global economy towards the development, diffusion and transfer of climate technologies on a massive scale through the Technology Mechanism, which involved the TEC as well as the Climate Technology Centre and Network (CTCN). She stressed the need for these two components to work hand-in-hand with the TEC as the policy arm. She said that the “TEC was not about enabling the next steps in technology transfer and deployment but was about ensuring a quantum leap” in technology transfer to developing countries and asked members to bear in mind what measures were going to make the transformation happen.

Elaboration of modalities and procedures

The meeting also made progress on elaborating the modalities and procedures of the Committee, which will be subject to final review by electronic means among members of the TEC prior to it being presented and considered at COP17 in Durban, South Africa, as there would be no further meetings of the TEC this year.

Six main elements of the modalities were agreed to for elaboration based on the functions of the TEC: analysis and synthesis; policy recommendations; facilitation and catalyzing; linkage with institutional arrangements under the Convention; engagement

with stakeholders; and information and knowledge sharing.

Among some of the main issues that saw an intense exchange were the issue of intellectual property rights (IPRs) and the relationship of the TEC to the Climate Technology Centre (CTCN).

(The Cancun decision established a Technology Mechanism, which consists of the TEC and the CTCN.)

On the issue of IPRs, Mr. Kanat Baigarin of Kazakhstan wanted this issue included so that the Committee could perform its function of providing an overview of the technological needs and analysis of policy and technical issues. This was supported by China, Ecuador, Kenya and Algeria.

Mr. Can Wang of China said that the issue of IPRs in addressing technology development and transfer could not be avoided. IPRs could be seen as an incentive for technology innovation but it could also be a barrier for developing countries especially in relation to new technologies.

He said that no one could say that IPRs are not a barrier. It was an issue that needed to be addressed by the TEC, as this was the body to discuss policy recommendations.

Japan, Germany and the United States raised strong objections to having any reference to the issue of IPRs in the document elaborating the modalities of the TEC.

Mr. Kunihiro Shimada of Japan said that "the talking of IPRs by the TEC is not mandated and is under heavy negotiation". He said that neither the TEC nor the UNFCCC was the right body for setting rules on IPRs and it was for other bodies like WIPO (World Intellectual Property Organization).

Mr. Rick Duke of the US said that IPRs are not a barrier to technology diffusion and transfer and supported Japan.

Mr. Antonio Pfluger of Germany said that a lot of technology transfer takes place without IPRs and where this was an issue, arrangements could be found to deal with it. He also said that the TEC had no mandate to address the issue. He proposed that there was no need to have specific mention of IPRs in the modalities document but when members dealt with a specific technology, this issue could be addressed.

In response, Mr. Nagmeldin El Hassan of Sudan suggested that instead of mentioning IPRs, this issue could be discussed in relation to addressing the barriers to technology transfer. This compromise was eventually agreed to. On the issue of the CTCN, Shimada of Japan raised concerns that the modalities document frequently mentioned the CTCN although the role of the CTCN had yet to be clarified and was pending negotiations.

Mr. Niyazi Ilter of Turkey also said that the relationship between the TEC and CTCN was still not clear, questioning if the TEC was going to be purely advisory, having no implementation role. He said that if the TEC was purely advisory, it would not have real effect.

Mr. Brendan Morling of Australia was of the view that the relationship between the TEC and the CTCN should be one of information exchange.

Uosukainen of Finland said that the Cancun decision makes clear the functions, mandate and separate roles of the CTCN and the TEC. The TEC is serving the Conference of Parties and is a strategic body, while the CTCN will be serving countries and is the operative arm of the Technology Mechanism.

He said that as a TEC member, Parties should be able to talk about policy, finance and the CTCN. The TEC should be looking at what the CTCN is doing and what money is going to technology, as it was the role of the TEC to provide guidance and advice.

He said that the TEC has no money, while he expects the CTCN to have money and dedicated experts to respond to the requests of countries for advice.

Mr. Albert Binger of Jamaica, representing the Small Island Developing States (SIDS), also raised the issue of technology assessment and wanted the modalities to include the production of technical papers on this matter. There was no objection to this from members.

Following the discussions, it was agreed that the document on the modalities and procedures of the TEC will be reviewed by members via electronic means and that there would be no further meetings this year.

The meeting ended with the hope that the TEC would be able to meet early next year to advance further work.