

SBSTA concludes with divergences over several issues

Warsaw, 19 November (Hilary Chiew) –The closing plenary of the 39th session of the UNFCCC's Subsidiary Body for Scientific and Technological Advice (SBSTA) on 16 November was delayed for several hours following last minute wrangling over conclusions to be reached on some contentious agenda items. The Body finally concluded its work around 3 am on 17 Nov.

Four issues which saw controversy related to the issue of new market/non-market mechanisms under the Convention (agenda item 13), the issue of agriculture and the Brazilian proposal relating to historical responsibility (which became a G77 and China proposal) and the implementation of the Technology Mechanism.

Several developing country Parties were in a state of grave anxiety over the status of the texts on these markets/non-markets sub-items when they found on the UNFCCC website, an earlier version of the texts prepared by the co-facilitators of the contact group instead of the final version that they had negotiated throughout the week. They sought clarification from SBSTA Chair, Richard Muyungi (Tanzania) in this regard, who allayed their concerns that the text on the website were indeed the co-facilitators' conclusions and not the final version that Parties had been working on. Parties in the contact group had not been able to reach agreement, leading to the decision that the matter would be taken up at the next session of SBSTA in June next year.

As regards issues relating to agriculture, the text on the draft conclusions of the SBSTA Chair (which had earlier been agreed to by Parties on Nov 13 at the SBSTA plenary following informal consultations), was only issued close to midnight. Earlier in the day, developing country negotiators were very worried whether the agreed draft conclusions would be reopened during the SBSTA

closing plenary. According to sources, rumours were abound that some developed countries were unhappy with the draft conclusions and wanted to reopen what they had previously agreed to. To the relief of the G77 and China and other developing countries, the conclusions on this issue were presented as had been agreed with no changes. The agreement reached on Nov 13 in this regard was to consider at SBSTA 40 next year, the report of the in-session workshop on the current state of scientific knowledge on how to enhance the adaptation of agriculture to climate change impacts as well as submissions by Parties. (See TWN Update 7 in this regard).

On G77 and China proposal (originally a Brazilian proposal) for a reference methodology to be established for historical responsibility for global warming, given the resistance by developed countries to advance this matter, no consensus was possible and the agenda item was closed.

On the issue of the 'development and transfer of technology and implementation of the Technology Mechanism' there was no agreement in one of its three sub-items. In deliberating the joint annual report of the Technology Executive Committee (TEC) and the Climate Technology Centre and Network (CTCN) in the contact group formed to consider this, Parties could not reach agreement on TEC participation as an observer in meetings of the World Intellectual Property Organisation (WIPO) and the World Trade Organisation (WTO). Parties could not agree to transmit any text to the SBSTA on this matter. The SBSTA Chair informed Parties that he would inform the COP President accordingly.

New market/non market mechanisms

Saudi Arabia expressed concerns that the version of the text on the UNFCCC's website was not the text Parties had worked on diligently on 15 Nov but was the text proposed by the co-facilitators. It

said Parties had worked until 3am (16 Nov) on that text. Although there was no consensus on all the elements, the document represented all the elements and issues. It asked the Chair to clarify the situation.

Ecuador shared the same concerns of Saudi Arabia on the text on the UNFCCC website. It added that despite the consultations on these matters under the 'Friends of the Chair', there was no conclusion, hence deferring the matter to the next SBSTA session. Similar concerns also echoed by **Bolivia, Nicaragua, India, Malaysia** and **China**.

India said it is ironic that on the finance track, we struggle to get a roadmap but in the market-based mechanism, we are rushing headlong into it. This is something we had to think about. Therefore, it is difficult for India to support the item but it would like to hear clarification from the Chair.

Chair Muyungi reassured Parties that the document on the website was merely the co-facilitators' draft and not what was final as worked on by Parties. Given the lack of consensus on the matter, he proposed the deferring of this to the next SBSTA session as is the practice according to the rules of procedure.

New Zealand speaking for the Umbrella Group said there was progress on all the three sub-items and is concerned that there is a risk of losing the good momentum. It welcomed the prospect of establishing a methodology for a market mechanism for those who want to use it. It believed that a robust outcome remains within reach in Warsaw. It wanted the COP Presidency to allow Parties to continue the work. Similar sentiments were expressed by **Colombia representing the Independent Alliance for Latin America and the Caribbean (AILAC), Japan, Papua New Guinea, and Mexico speaking for the Environment Integrity Group**.

Bolivia said this issue clearly has no consensus and agreed with the Chair's proposal.

The European Union supported the continuation of work at the technical level and saw value in the ministerial having a political discussion on this matter.

Cuba said it is not prudent to send the item to a heavily-charged week especially when there is no consensus.

Ecuador thanked the Chair for his clarification and regretted that varying positions of Parties that

did not allow consensus to be reached. It still wanted to contribute to the discussion in a balanced way so that we can fulfil the mandate and hoped that the work done so far can be taken into account at SBSTA40.

India said in a situation where we have no ambition and where one market mechanism has already collapsed (referring to the EU Emissions Trading Scheme), it did not see how we can discuss another market system. Let's first have the ambition then the market. In response to the Umbrella Group, it cannot support sending the matter to the COP. It supported applying Rule 16 of the rules of procedure and to send the item to SBSTA40.

The African Group, LDCs, Nicaragua, the Philippines, Malaysia, Venezuela and China also supported the SBSTA Chair's proposal. **Malaysia** did not support the idea of transmitting this matter for the consideration of ministers as the issue involved many technical matters.

Chair Muyungi said there is no other provision for a different action other than applying Rule 16 for the three sub-items to be considered at SBSTA40.

Issues related to agriculture

Australia speaking for the Umbrella Group said the group came to Warsaw to build on excellent progress made at SBSTA38 which invited submissions from Parties and we need to discuss those submissions. Expressing disappointment, it hoped a similar situation can be avoided in the future and would like to be able to use SBSTA40 to build the work.

Switzerland speaking for the Environmental Integrity Group (EIG) wanted the group's statement to be reflected in the official report of the session. It said although there was clear mandate, there was no contact group to discuss the issue. It regretted that there was confusion in adopting the conclusion, referring to the deliberation on the agenda item on 13 Nov. by Chair Muyungi. It lamented that Parties did not have the opportunity to know read the Chair's conclusions.

(On 13 Nov, Chair Muyungi reconvened the plenary to address two outstanding agenda items which included this item on agriculture. He read out the conclusion to Parties. As there was no objection to the two paragraphs presented orally, the conclusion on this item was adopted (for details, please see TWN Warsaw News Update 7).

The European Union said the mandate from SBSTA38 could not be any clearer. It said the conclusion on the matter cannot set the precedent for the future and wanted its statement to be reflected in the report of the meeting. **Japan** said it is disappointed that Parties could not engage in substantive discussion other than the workshop. In order to avoid a recurrence of such a situation, it also requested that its intervention be recorded in the meeting report.

Fiji speaking for Group of 77 and China (G77-China) expressed appreciation to the Chair for his manner in handling this item in this session. It said the Chair had consulted and accurately reflected on the procedure. However, listening to the various interpretations, comments and the requests for interventions to be placed in the official record, it stressed that as far as G77-China is concerned, there is no confusion and noted that the two paragraphs adopted (on Nov 13) are accurately reflected in the FCCC/SBSTA/2013/L.35 document.

India said it is extremely satisfied with the way the Chair had dealt with this entire process and how he dealt with the conclusion. It reminded Parties not to prejudge what we need to do more but should stick to the mandate which is deliberation in SBSTA40.

Egypt believed that the procedure was carried out correctly as Parties had reached agreement during the informal consultations and the results were reflected in the conclusion correctly. Others who made similar interventions were **Gambia, Bolivia, Argentina, Philippines, Saudi Arabia, Sri Lanka, China, Nicaragua, Venezuela and Malaysia.**

'Brazilian' proposal on historical responsibilities

Chair Muyungi reminded Parties that this agenda item was 'adopted' by the G77-China on 13 Nov. He said Parties had frank discussions but were unable to agree on how to move forward on this issue as there was no consensus. Therefore the agenda item was closed.

Fiji representing the G77-China reiterated its disappointment over the opposition by Annex 1 (A1) Parties to its proposal which was originally submitted by Brazil. The refusal by A1 to discuss the subject in an open, transparent, scientific and objective manner is a clear indicator of their lack of political willingness to stand up to their historical responsibility, particularly the common but differentiated responsibilities. It warned that this is a negative signal for the regime and it was

hoped that the Warsaw COP will send a clear signal for the 2015 Agreement.

From the onset, **Brazil** wanted its statement to be recorded. It explained that the proposal was meant to introduce historical contribution to global warming. It said it was meant to be a contribution towards the Lima (COP20) and Paris COP (COP21). It wanted to bring factual information from the IPCC but was denied the space. It said this is a negative signal and we must ask ourselves if the calls for ambition, transparency, urgency (in dealing with climate change) are genuine or are they merely rhetorical expressions that only look good in speeches.

Venezuela expressed deep concern on the prevention of a debate that is so important to many countries. It believed that SBSTA has a role to play in providing scientific information to Parties as it is the body in the Convention responsible for making methodological recommendations to the IPCC. It also wanted its statement to be recorded in the official report.

Bolivia was concerned that while developed countries talk about transparency, yet they could disagree to have scientific input for historical responsibility. We do not understand why we should keep the science in the dark. It said the proposal should be on the table as the world has the right to know the level of responsibility of developed countries, adding that it is important as it is linked to the principle of common but differentiated responsibilities.

India said historical responsibilities is fundamental and is at the heart of the Convention and should be at the heart of the new outcome in 2015. We need to ensure that historical responsibilities find its rightful place.

Nicaragua believed that scientific information will go a long way to facilitate the process of making progress for the 2015 Agreement. Not having the whole range of scientific information will impede progress and it is important that all information is made available to all stakeholders.

Argentina said discussing the proposal does not prejudge the outcome and it wanted its intervention to be reflected in the record of the meeting. **Malaysia** believed that the Convention informed by science in fact has greater probability to deliver results than one that is not. **The Philippines** was frustrated that we are not able to get IPCC to help, adding that the 'Brazilian' proposal is fundamental to improving understanding on how CBDR can be advanced.

Switzerland stressed that Parties have different understanding over this agenda item. It was ready to engage as it thought it is useful but some elements of the proposal were impossible given the speed needed (referring to the nature of IPCC's time-consuming work). We were prepared to develop a different approach to have better scientific understanding, which includes areas like capacity and current and future responsibilities for the contribution to greenhouse gas emissions. It is

not that the developed countries refused to engage. It also wanted its statement to be reflected in the meeting report.

The European Union was of the view that commitments can be guided by a balanced indicator which must include past, present and future emissions. It said there should be a range of emissions and not just historical emission. It had serious concern with the proposal and therefore cannot accept it.