

SBSTA: G77 and China ‘adopts’ Brazilian proposal on need for methodology for historical responsibility

Warsaw, 14 November (Hilary Chiew) – The Group of 77 and China has agreed to ‘adopt’ the ‘Brazilian proposal’ for a reference methodology to be established for historical responsibility for global warming as its own proposal, for the consideration of the UNFCCC’s Subsidiary Body for Scientific and Technological Advice (SBSTA).

This was confirmed when SBSTA reconvened in plenary on Wednesday, Nov 13.

At the opening of the SBSTA on Monday, Nov 11, Brazil had tabled its proposal for the development of a reference methodology for historical responsibilities for global warming by the Intergovernmental Panel on Climate Change (IPCC) which was raised under ‘other matters’ under agenda item 16 of the SBSTA agenda.

Its proposal for the consideration of this matter was not adopted as there was no consensus among Parties. Brazil wanted SBSTA to consider a decision to develop such a reference methodology by the IPCC to guide domestic consultations in view of the 2015 agreement being considered by Parties under the Ad Hoc Working Group on the Durban Platform. (ADP)

At the opening of SBSTA39 on Monday, developed country Parties led by the United States objected to the proposal and the agenda item could not be adopted. SBSTA Chair Richard Muyungi (Tanzania) announced that he would consult Parties and report back of its outcome as soon as possible on the proposal by Brazil.

Another issue which he was informally consulting on was in relation to agenda item 10

– *Issues relating to agriculture* – where Parties had divergence of views on how to move forward on the matter on Monday.

When SBSTA reconvened on Wednesday, Nov 13 to deal with these two agenda items, Chair Muyungi informed Parties that Brazil had confirmed that the Brazilian proposal is now a G77-China proposal.

Fiji representing G77-China said the particular agenda item (on historical responsibility) was a subject of discussion within the Group and after a very healthy exchange of views on this important issue, the Group agreed to take up the item and wanted a discussion on it in a contact group at this session of the SBSTA.

Chair Muyungi told the plenary that he had intensive consultations with Parties on how to move forward. The discussion, he added, was very frank, honest and constructive and thanked Parties for their openness and willingness to discuss this matter. And during the consultation, Brazil had conveyed that the issue is now a proposal of G77-China.

He said further that Parties were unable to agree on how to move forward and there appeared to be no consensus to consider this proposal, adding that SBSTA is in no position to consider this matter at this session.

However, he did not want to close the issue just yet. He therefore invited Parties to consult among themselves in order to reach a consensus on this issue and report back to him by Friday, Nov 15 and he in turn will report the result of the consultations to the Parties on Saturday, Nov 16.

On the issue of agriculture, there was no consensus to have a contact group on this

matter given the concerns of developing countries as regards safeguarding food security and the link between agriculture, poverty reduction and development of developing countries.

Developing countries noted that a contact group was not in line with the conclusion adopted in the SBSTA38 which was to have the in-session workshop (held on Nov 12) and for the workshop outcome to be compiled for consideration at SBSTA40, and rejected the idea of a contact group favoured by developed country Parties.

The in-session workshop was held on Nov 12 on “the current state of scientific knowledge on how to enhance the adaptation of agriculture to climate change impacts while promoting rural development, sustainable development and productivity of agricultural systems and food security in all countries, particularly in developing countries, taking into account the diversity of agriculture systems and the differences in scale and possible adaptation co-benefits.”

(Developing countries favour the consideration of agriculture in the context of adaptation but not in relation to mitigation as this has implications for safeguarding food security and poverty eradication).

Chair Muyungi said following one informal consultation, Parties agreed on the conclusion and he read it out. The conclusion is as follows:

1. The SBSTA acknowledged with appreciation the rich exchange of views by Parties during the in-session workshop on the current state of scientific knowledge on how to enhance the adaptation of agriculture to climate change impacts while promoting rural development, sustainable development and productivity of agricultural systems and food security in all countries, particularly in developing countries, taking into account the diversity of agriculture systems and the differences in scale and possible adaptation co-benefits.
2. The SBSTA agreed to consider at SBSTA 40, June 2014 the report of the in-session workshop referred to in paragraph 1 above to be prepared by the Secretariat as requested by SBSTA38 and the views

submitted by Parties and admitted observer organisations on the elements included in paragraph 1 above as agreed at SBSTA38 and contained in document FCCC/SBSTA/2013/Misc 17. Add1.Add 2

The conclusion was adopted.

Following are the exchanges of views by Parties on these two contentious agenda items and the debate over the treatment of emission from fuels used for the international aviation and maritime transport at the opening of SBSTA39 on Nov 11.

Brazilian proposal

The Brazilian’s submission which included a draft decision to develop a reference methodology on historical responsibilities by the IPCC (Inter-governmental Panel on Climate Change) to guide domestic consultation for the ADP 2015 agreement was presented.

Brazil said it is time for SBSTA to provide the required information and methodologies to help leaders to be clear about how countries are calculating their historical responsibilities towards temperature increase. Since leaders decided in Cancun (COP16) to keep temperature rise below 2°C, the next logical step, it argued, is to calculate the relative contribution of each country to temperature increase and not by current emissions.

It wanted SBSTA to consider a draft decision for the IPCC to develop a simple and straightforward methodology for each country to calculate her own contribution. It said there is urgency to take a decision now (on this matter) as it will have an influence on the ADP process. It requested for a contact group to table the proposal.

The **United States** said it did not support the proposal to invite the IPCC to solely look at one dimension. It said those familiar with the IPCC know that this work will take at least two years. We cannot afford to delay country preparations for their post-2020 commitments until that time. It also said such an approach will provide some countries with cover to act less ambitiously and would have an implication for a 2015 outcome (referring to the new agreement being discussed under the ADP). By focusing on past emissions, and not on current and future emissions, it would seriously

undermined ambition. As a matter of process, the 2015 and equity is being in discussed (under the ADP) and expressed concern that this process (the Brazilian proposal) will delay the work.

The European Union said it has major concerns to address this issue under SBSTA when the discussion should be part of the ADP. It was concerned with tasking the IPCC which it said does not allow for quick responses and it will overlap with finalising the 5th Assessment Report (AR5) and, hence, is unlikely that the IPCC can spare the resources. Therefore, it cannot support the proposal put forward by Brazil.

Australia echoed the comments by developed countries. Procedurally, it said Parties had provided a wide range of ideas in the ADP. The reality is that there has not been a common understanding in the ADP on the top-down indicator based approach and the Co-Chairs (of the ADP) had noted those concerns of some Parties that the issue will be divisive. It was not in favour of a new workstream. The call for IPCC to do this work will not fit with our timeline either. The elongated timeline will cut across what we can do in the ADP.

Venezuela believed that it is important for SBSTA to have a possibility to hear the presentation of Brazil on the subject. **India** said in our effort to enhance understanding of greenhouse gases concentrations in the atmosphere, the Brazilian proposal can be valuable. In terms of IPCC workload and timeline, we should not prejudge what IPCC can do. It is extremely important to understand this issue of historical contribution. Therefore, it supported this Brazilian contribution.

Switzerland said many delegations had expressed serious doubts on the appropriateness of SBSTA to undertake this step. It preferred SBSTA to refrain from doing so and let ADP manage this matter. **Canada** said the matter should be discussed in the ADP and the IPCC could not do this work in time. It said historical responsibility is only one of the indicators that Parties can consider for what their commitment can be. But most importantly, it will prevent us from what we want most which is ambition. **New Zealand** said the IPCC will take a long time (for the work) and go well beyond 2015.

Cuba thanked Brazil for presenting this important theme. It said the substance of this proposal, the connection to historical responsibilities is very relevant for consideration. **China** welcomed the proposal and submission from Brazil. It said it is a very important topic and felt SBSTA has its role to provide an opportunity to discuss this issue and would like a contact group to be established.

Bolivia too welcomed it as an important proposal which is in line with the principle of the Convention particularly on the principle of common but differentiated responsibilities (CBDR). It was important to develop a method to identify responsibilities. It is true that the ADP has to work on a new legal instrument before 2020 but the notion of historical responsibilities is also important. Hence it should not be confined to the ADP only as Parties need to make progress in the overarching framework.

Norway said there had been lots of ideas on the topic at the ADP where the issue of historical responsibilities is also being discussed. It agreed (with some others) that the ADP process is the relevant process for this matter and did not see the logic to discuss it in SBSTA. **Israel** said there should not be overlap of issues among bodies (in the Convention). The matter should be dealt with under the body that is dealing with it which is the ADP.

In response, **Brazil** said it appreciated all the comments but was not expecting to have a substantive discussion at the plenary. It said there is a clear misunderstanding of the intention and scope of its proposal. It does not expect the ADP to deal with this sort of technical work. It is even not up to its delegations to reply on behalf of the IPCC whether it can do it or not. What it wanted is a reference table and not an indicator for commitments; hence it proposed the matter to be done under the SBSTA. It said in light of timing and urgency, it urged Parties not to put procedural objections. It invited everyone to join the proposed contact group so it can explain the proposal.

Issues relating to agriculture

On Nov 11, **Fiji** representing the **G77-China** raised its objection after Chair Muyungi decided on a contact group to be co-facilitated by Ethiopia and Sweden on 'Issues relating to

agriculture'. It expressed concern over the annotated agenda in this regard and the inclusion of issues relating to agriculture referring to the insertion in that agenda of a possible recommendation of a draft decision for consideration and adoption at COP19, as this would go beyond the agreement reached last June at SBSTA38.

It was referring to paragraph 53 in the annotation to the provisional agenda which reads: *"Action: The SBSTA will be invited to continue its consideration of issues relating to agriculture with a view to recommending a draft decision for consideration and adoption at COP19."*

To respect the consensus reached at that time, G77-China said it would like to suggest the following amendment to the action proposed, in order to insert the elaboration by the Secretariat of a report of the workshop that will take place this session for consideration at SBSTA40 (June 2014). The suggested amendment to the action reads: *"The SBSTA will be invited to continue its consideration of issues relating to agriculture including the request to the Secretariat to submit a report on the workshop for consideration at SBSTA40."*

The **United States** sought clarification if the intent of (the amended) paragraph 53 is to foreclose the workshop from pursuing items of interests to Parties. Echoing the US, **European Union** said looking back to the conclusion adopted under SBSTA in June, there is specific instruction to the Secretariat to compile the documents and thus should not defer discussion to the next meeting.

Switzerland said it is disappointed by the G77-China proposal. It has come prepared to work on this important matter on the basis of paragraph 53 and expected to continue working on this and the Chair's proposal for a contact group fitted its expectation and it would like to continue working in this direction.

Canada said it was its understanding that Parties will continue discussion on this matter and support the proposal for a contact group as suggested by the Chair. **New Zealand** said it was surprised to see the lack of enthusiasm from countries to discuss this issue which it thinks is important and would like to have a bit of momentum for the issue.

Australia supported those who endorsed the Chair's proposal for a contact group. Acknowledging that there was a request for the workshop, it felt that the contact group will be the appropriate place to consider the next steps and wanted to do that in Warsaw.

Fiji reiterated that the G77/China preferred for the SBSTA session to continue its consideration in agriculture with a report on the workshop from the Secretariat to be considered in 2014.

Adding its voice, **Brazil** was of the view that there was no need for a contact group especially when there was already a workshop. **Egypt** noted that it seemed some Parties came prepared but some are not. It said the conclusion of the workshop can be considered at the next SBSTA in 2014. **India** said that at the last SBSTA, a workshop was decided hence it is the outcome of the workshop that is important. So, at this juncture there is no need for a contact group. **Gambia** was taken aback by the announcement of a contact group, adding that it could not understand having a contact group before the workshop.

Argentina said it was enthusiastic about the workshop on Nov 12 to improve scientific knowledge on adaptation and climate change. It wanted to be constructively involved in finding ways to safeguard food security and the link between agriculture and poverty reduction and development of developing countries. It said the right place for the discussion is the workshop and this is in accordance to procedure as the workshop was decided back in June.

Algeria, Saudi Arabia, China and Venezuela supported having the workshop which is in line with the June decision and not to have a contact group.

Acknowledging the divergent of views, Chair Muyungi concluded that the workshop will go ahead while he consult Parties and come back on how to proceed on this agenda item.

Emissions from fuel used for international aviation and maritime transport

Cuba speaking for the **Like-minded Developing Countries (LMDC)** reaffirmed the importance attached to multilateralism in addressing climate change in accordance with the principles and provisions of the

Convention, in opposition to unilateral measures in the international maritime and aviation transport.

It stressed that in the context of multilateral discussions, the following elements should guide the International Civil Aviation Organisation (ICAO) and International Maritime Organisation (IMO) when addressing climate change: Article 2.2 of the Kyoto Protocol, by which Annex I Parties shall pursue limitation or reduction of emissions of greenhouse gases of international maritime and aviation working through the ICAO and IMO; full respect to the principles and provisions of the Convention and of its Kyoto Protocol while addressing climate change, in particular the principles of CBDR, as well as that measures should not constitute disguised restrictions on international trade; comprehensive assessment of the possible (direct and indirect) social, economic and environmental implications of the measures under discussion for developing countries, taking into account that international aviation and maritime transport play a vital role in the facilitation of world trade, and therefore on social and economic development in developing countries; respect to the consensus rule, and to the promotion of an inclusive and transparent process; promotion of transfer of financial resources and technologies from developed countries to developing countries, in accordance with the developed countries obligations under the Convention

In relation to the specific work of IMO, it noted the progress made in the IMO's 65th Sessions of the Marine Environment Protection Committee (MEPC) of May 2013 with the recognition in the MEPC Resolution on *Promotion of Technical Co-operation and Transfer of Technology relating to the Improvement of Energy Efficiency of Ships* to the UNFCCC principles, in particular the principle of CBDR. Such recognition from IMO sends a clear signal that the organization respects the principles and provisions of the UNFCCC in its work related to climate change. This IMO resolution must also provide a platform for transfer of technologies related to energy efficiency of ships from developed to developing countries, in accordance with multilaterally agreed rules.

With respect to the ICAO's report and communication, it welcomed multilateral discussions on how to address climate change in aviation and the results of the 38th ICAO Assembly held last September. In particular, it wished to highlight the importance of the recognition in the Resolution A38-18 that market-based measures (MBM) should be implemented only after bilateral and/or multilateral agreement and on the basis of mutual consent, and therefore we call on countries to respect ICAO decisions and not precipitate the situation through unilateral action. In addition, there is an acknowledgement in the ICAO resolution of the principle of CBDR in any possible design of market based measures. Moreover, it is worth to also note that there is a need for work on the technical aspects, environmental and economic impacts and modalities of the possible options for a global MBM scheme, including for its feasibility and practicability, taking into account the need for development of international aviation, and without prejudging UNFCCC negotiations.

In this sense, it believed that global aspirational goals still need reassessment and further analysis, so as to reflect the different stages of development of ICAO's member states, as this is a matter of utmost importance, when faced with the current and future growth perspectives of the international civil aviation sector.

With regards to ICAO's work in reference to States' action plans, in the case of developing countries, these plans must be understood as voluntary actions that take into account the specific national contexts, and not as part of a global goal in the international aviation transport. In this context, there is a need to ensure the transfer of financial resources, technology transfer and capacity building support to developing countries for them to be able to voluntarily undertake specific action plans.

It also reiterated its concern at the proposals for the use of international aviation and maritime transport as a potential source for the mobilization of revenue for climate finance, due to their negative potential trade implications. In this sense, it echoed the views included in the Resolution A38-18 that international aviation should not be

disproportionately targeted as a source of revenue for long-term climate finance.

In addition, it suggested exploring as a possible positive complementary initiative to operational and technical measures undertaken by ICAO and IMO to encourage voluntary cancellation by aviation and maritime companies resulting from CDM (Clean Development Mechanism) project activities.

China welcomed the Resolution of ICAO adopted at its 38th Assembly that the principles of CBDR and mutual agreement should underpin the work of designing and implementing the market-based measures for emissions from international civil aviation. It also welcomed the Resolution of IMO adopted at its 65th MEPC session that recognizes “principles enshrined in the UNFCCC and its Kyoto Protocol including the principle of CBDR”. These are major milestones, which reflect efforts and constructive attitudes by member states of these two organisations to reaffirm the principles of the Convention.

Nevertheless, China regrettably noted that despite the strong opposition to any unilateral measures by many states and decisions made by international organizations that agreement should be reached through bilateral/multilateral consultation, some regions and states still decided or plan to take unilateral measures on international aviation and maritime transportation. It warned that these actions will be inevitably detrimental to the cohesion and solidarity for international actions addressing climate change, and set a bad precedence for UNFCCC and its Kyoto Protocol.

It reiterated that the principle of CBDR enshrined in UNFCCC and its KP is the fundamental principle for the international community to address climate change and the basis for further consultation. China strongly encouraged member states of ICAO and IMO to further implement these principles in their formulation of GHG reduction instruments, recognise differences between developed and

developing states. It also requested regions and states to return back to the track of multilateral negotiation and consultation, fully respect the primacy of UNFCCC as the principal framework in addressing the climate change, and refrain from impairing the sustainable development of international aviation and maritime transport.

South Korea also expressed concerns with the unilateral approach in addressing climate change in the international maritime transportation and urged respect for the multilateral process. **Japan** said at the 38th assembly meeting of the ICAO, member states agreed on comprehensive strategy to address all the basket of issues in particular the MBM. It asserted that with regard to the resolution on technology transfer adopted at the IMO’s 65th MEPC, the adoption of the preamble paragraph, which addressed CBDR, should not limit the activities of the IMO. It stressed that several countries reiterated this point which was recorded in the meeting (65th MEPC) report.

It said the principle of non-discrimination should be the basis of international cooperation but CBDR is not consistent with the principle of non-discrimination. It further said there are many successful airlines; hence the distinction of developed countries and developing countries is not appropriate for civil aviation at all. Regarding aviation as a source for long term climate finance, it said there is no consensus that it is not appropriate.

Singapore reiterated its belief that the ICAO and IMO had continued to show good progress in their work and remain the most competent bodies to limit emissions while supporting growth. It believed that addressing emission from the two sectors should be developed through the multilateral framework of ICAO and IMO given their competencies. **Panama and Chile** supported Singapore.

The SBSTA Chair is to draft conclusions on this matter.