

## COP 13 AND COP/MOP 3 HIGHLIGHTS: TUESDAY, 11 DECEMBER 2007

Delegates met in contact groups and informal consultations throughout Tuesday to conclude work under the SBI and SBSTA. On Tuesday afternoon and evening, the SBSTA and SBI convened, concluding their work early on Wednesday morning. Both SBI and SBSTA adopted conclusions as well as various draft decisions that will be forwarded to the COP and COP/MOP. The AWG also met, although it was not able to conclude its work, and will convene for a final plenary later in the week.

### SBSTA

**NAIROBI WORK PROGRAMME:** Co-Chair Plume reported agreement during contact group discussions and parties adopted SBSTA conclusions (FCCC/SBSTA/2007/L.17).

### RESEARCH AND SYSTEMATIC OBSERVATION:

Co-Chair Rössner reported on agreement during informal consultations, and parties adopted SBSTA conclusions and a draft COP decision (FCCC/SBSTA/2007/L.14 and Add.1).

**IPCC AR4:** Co-Chair Van Ypersele outlined draft SBSTA conclusions and a draft COP decision (FCCC/SBSTA/2007/L.20 & Add.1) relating to party submissions, a workshop, consideration of the issue at SBSTA 29, and a decision that AR4 should inform all relevant Convention and Protocol agenda items. INDIA and SAUDI ARABIA opposed the conclusions. Australia, for the UMBRELLA GROUP, the EU, SOUTH AFRICA and others supported the text. After further consultations, delegates adopted revised conclusions and a decision (FCCC/SBSTA/2007/L.20/Rev.1 & Add.1/Rev.1).

### METHODOLOGICAL ISSUES UNDER THE

**CONVENTION: Greenhouse gas data interface:** Chair Brown reported on agreement during informal consultations and parties adopted SBSTA conclusions (FCCC/SBSTA/2007/L.15).

**Annual report of the technical review of Annex I inventories:** Co-Chair Herold reported agreement on this issue, and parties adopted the conclusions (FCCC/SBSTA/2007/L.12).

**Emissions from fuel used for international aviation and maritime transport:** SBSTA Chair Kumarsingh reported no agreement in spite of his consultations. Parties agreed to forward this matter to SBSTA 28 for its consideration. NORWAY regretted progress being blocked by some parties and stated that including bunker fuels in a post-2012 regime is a priority.

### METHODOLOGICAL ISSUES UNDER THE

**PROTOCOL: HFCs:** Co-Chair Radunsky reported lack of agreement on options to adequately address emissions of HFC-23 in new HCFC-22 plants under the CDM, and parties' decision to continue discussions at SBSTA 28. Parties adopted the conclusions (FCCC/SBSTA/2007/L.13). CHINA expressed disappointment at the outcome, restating his commitment to phase out HFC-23 ten years ahead of schedule.

**Small-scale afforestation and reforestation (A/R) under the CDM:** Co-Chair Main reported agreement to recommend a revision of the limit of CDM small-scale A/R project activities from 8 to 16 kt. per year. Parties adopted the conclusions and draft COP/MOP decision (FCCC/SBSTA/2007/L.18 & Add.1).

**Carbon Capture and Storage (CCS) under the CDM:** Co-Chair Radunsky informed delegates on the three informal meetings and three contact group meetings, which resulted in draft conclusions (FCCC/SBSTA/2007/L.19) requesting the Secretariat to prepare a synthesis report for consideration at SBSTA 28. SBSTA adopted the text.

**Good practices for LULUCF activities:** Co-Chair Herold presented draft conclusions and a decision (FCCC/SBSTA/2007/L.21 & Add.1), noting that agreement represents the final step towards implementing reporting under the Protocol. SBSTA adopted the text with minor amendments.

**MITIGATION:** Chair Picker reported on informal discussions and presented draft conclusions (FCCC/SBSTA/2007/L.16), which were adopted by SBSTA

**PROTOCOL ARTICLE 2.3:** Chair Kumarsingh noted no agreement, and SBSTA decided to continue discussions at its next session.

**TECHNOLOGY TRANSFER:** In the closing plenary, the G-77/CHINA, INDIA, the EU, GHANA, ALGERIA, CHINA, AUSTRALIA, US, CANADA, JAPAN, INDONESIA and others underscored the importance of technology transfer and regretted that no agreement had been possible. Parties agreed to include the item on SBSTA 28 provisional agenda and to forward the current draft text to SBSTA 28.

**REDUCING EMISSIONS FROM DEFORESTATION:** After lengthy negotiations on India's proposal to include forest conservation and enhancement of carbon stocks, parties added a paragraph encouraging action to reduce emissions from deforestation and degradation, "and thus enhance forest carbon stocks due to sustainable management of forests." However, differences persisted on a proposal by PAPUA NEW GUINEA to refer to "early" action and cross-referencing this in a paragraph on the future regime, and to references to land use in the context of a decision on the future regime, as suggested by the US. In plenary, parties adopted the SBSTA conclusions and the draft COP decision (FCCC/SBSTA/2007/L.23), but with the disputed text bracketed.

**ADOPTION OF REPORT:** Parties adopted the report of the session (FCCC/SBSTA/2007/L.11). SBSTA Chair Kumarsingh closed the session at 1:08 am.

### SBI

**ADMINISTRATIVE, FINANCIAL AND INSTITUTIONAL MATTERS:** The SBI adopted conclusions and draft COP decisions on budget performance for biennium 2006-2007 and on continuing review of the functions and operations of the Secretariat (FCCC/SBI/2007/L.23 & Add.1-2).

**ANNEX I COMMUNICATIONS: Compilation and synthesis of fourth national communications:** Co-Chair Gera reported agreement from the contact group and informal consultations. The SBI adopted conclusions and a draft COP decision (FCCC/SBI/2007/L.26 & Add.1).

**EDUCATION, TRAINING AND PUBLIC AWARENESS:** Co-Chairs Jaudet and Chao reported agreement and delegates adopted SBI conclusions and a draft COP decision (FCCC/SBI/2007/L.29 & Add.1).

**LDCs:** Co-Chair Abdulla reported agreement on the LDC Expert Group's mandate, and delegates adopted SBI conclusions and a draft COP decision (FCCC/SBI/2007/L.24 & Add.1).

**CAPACITY BUILDING UNDER THE CONVENTION: Economies in transition:** Co-Chair Trusca reported agreement and delegates adopted SBI conclusions (FCCC/SBI/2007/L.27).

**Developing countries:** Co-Chair D'Auvergne reported that agreement had not been reached and delegates agreed to include the item on SBI 28's provisional agenda.

**CAPACITY BUILDING UNDER THE PROTOCOL: Economies in transition:** Co-Chair Hojesky reported agreement and delegates adopted SBI conclusions (FCCC/SBI/2007/L.28).

**Developing countries:** Co-Chair Hojesky reported that agreement had not been reached and delegates agreed to include the item on SBI 28's provisional agenda.

**INFORMATION FROM ANNEX I PARTIES TO THE PROTOCOL: Compilation and synthesis of supplementary information submitted under Protocol Article 7.2:** Co-Chair Yang reported agreement and delegates adopted SBI conclusions and a draft COP/MOP decision (FCCC/SBI/2007/L.25 & Add.1).

**Review of initial reports and supplementary information submitted under Protocol Article 7.2:** Co-Chair Elhassan reported agreement from informal consultations and delegates adopted SBI conclusions (FCCC/SBI/2007/L.22).

**PROTOCOL ARTICLE 3.14:** SBI Chair Asadi reported that his consultations did not result in an agreement and this would be reflected in the meeting's report. Delegates agreed to include the item on SBI 28's provisional agenda.

**INTERNATIONAL TRANSACTION LOG:** Chair Shuang reported agreement from two informal meetings (FCCC/SBI/2007/L.21).

**COMPLIANCE:** SBI Chair Asadi reported from his informal consultations on the proposed amendment to the Protocol to make the compliance system legally binding and noted agreement to continue discussing this issue at SBI 28.

**PRIVILEGES AND IMMUNITIES:** Chair Watkinson reported agreement and delegates adopted conclusions and a draft text for the COP/MOP's adoption (FCCC/SBI/2007/L.20).

**ADAPTATION FUND:** Co-Chair Anaedu reported agreement and parties adopted SBI conclusions and a draft COP/MOP decision (FCCC/SBI/2007/L.30).

**METHODOLOGICAL ISSUES: Decision 1/CP.10:** Parties adopted SBI conclusions on this matter (FCCC/SBI/2007/L.31).

**NON-ANNEX I NATIONAL COMMUNICATIONS: Consultative Group of Experts (CGE):** After lengthy negotiations, Co-Chair Rolle reported that no agreement had been reached on the CGE's new mandate. The SBI adopted conclusions on continuing discussions at SBI 28 (FCCC/SBI/2007/L.33).

**Financial and technical support:** Co-Chair Rolle reported agreement, including on additional guidance to the GEF, and the SBI adopted conclusions (FCCC/SBI/2007/L.32).

**FINANCIAL MECHANISM OF THE CONVENTION: Fourth review:** After lengthy negotiations, Co-Chair Guthrie reported agreement and the SBI adopted conclusions and a draft COP decision (FCCC/SBI/2007/L.34 & Add.1).

**Additional guidance to the GEF:** Co-Chair Guthrie also reported agreement on additional guidance to the GEF and the SBI adopted conclusions and a draft COP decision (FCCC/SBI/2007/L.35).

**TECHNOLOGY TRANSFER:** Co-Chair Uosukainen reported lack of agreement in discussions under this new SBI agenda item, mainly due to shortage of time. Parties agreed to include the item on SBI 28's provisional agenda and to forward the negotiating text. Many delegates expressed "deep disappointment" at the outcome.

**ADOPTION OF REPORT:** Parties adopted the report of the meeting (FCCC/SBI/2007/L.19). SBI Chair Asadi stressed the successful outcome on the Adaptation Fund and other agenda items but regretted the failure on technology transfer. He closed the meeting at 2:02 am.

#### AWG

The AWG plenary convened briefly on Tuesday afternoon. AWG Chair Charles reported that delegates had not agreed on draft conclusions (FCCC/KP/AWG/2007/L.6). The AWG agreed on text requesting the Secretariat to organize the AWG's meetings in conjunction with other meetings and activities under the Convention and Protocol. AWG Chair Charles indicated he would continue informal consultations and reconvene the AWG plenary "in the coming days." Outstanding issues included whether to reference paragraph numbers in the report from the first part of AWG 4, or to insert language on the need for global emissions to peak within 10-15 years and be reduced to well below half of 2000 levels by the middle of the century; and on the 25-40% indicative range of emissions reductions by 2020. In addition, some of the AWG's tasks for its sixth, seventh and eighth sessions remained in brackets. Delegates approved the draft outline of the report (FCCC/KP/AWG/2007/L.5).

#### CONTACT GROUPS AND INFORMAL CONSULTATIONS

**SECOND REVIEW OF THE PROTOCOL UNDER ARTICLE 9 – SCOPE AND CONTENT:** The group met informally in the morning and in a contact group in the afternoon. Disagreements remained on a number of issues, including: whether the aim of the review should be the implementation or the effectiveness of the Protocol; linkages of the review with the AWG; compliance under the Protocol; procedures for amending the annexes to the Protocol; the elaboration of an information note by the Secretariat on the AWG's work; and an intersessional workshop.

**LONG-TERM COOPERATIVE ACTION UNDER THE CONVENTION:** Co-Facilitators Bamsey and De Wet reconvened informal discussions. On the process, parties discussed options in the draft decision and proposals for: a "negotiating" or "intergovernmental negotiating" committee; informal consultations; and synchronizing meetings with the AWG process.

On inputs to the work programme, parties considered a two-track approach, opposition to references to inputs/outputs from processes such as the G8, the AWG, the IPCC and Article 9 review of the Protocol. Co-Facilitator Bamsey explained that the COP President would convene a group on Wednesday to finalize a decision.

On Tuesday afternoon, a revised draft text was issued. The revised draft no longer includes an annex with a list of activities. It describes the process, replaces a reference to objectives with quantified national emission limitation and reduction commitments, and reorganizes sections containing operative paragraphs under the themes of the four building blocks. The decision states that the process should begin without delay, with a first meeting in March 2008.

Negotiations reconvened in the evening. One party introduced three paragraphs based on the UNFCCC and citing *per capita* emissions. On mitigation, a number of alternative paragraphs were proposed. The Co-Facilitators invited parties to form a small drafting group, which worked late into the night.

#### IN THE CORRIDORS

Even as veterans of the process were enjoying a series of celebrations to mark the Kyoto Protocol's tenth anniversary on Tuesday, observers were detecting a "shift" in the tone of some negotiating groups. As the SBI and SBSTA concluded their work late in the night, some were already casting blame for the apparent failure of talks on technology transfer, with anger and dismay evident among many parties. A few wondered if a deal might still somehow be salvaged later, however.

Meanwhile, informal discussions on the critical post-2012 process were also viewed by some as less positive, with observers noting some "difficult" talks of "increasing complexity" under the Convention track. "I don't know where this will take us, but the clock is now ticking down to Friday," noted one.