

Adoption of UNFCCC's Subsidiary Body on Implementation agenda delayed

Bonn, June 4 (Meena Raman) – The 38th session of the Subsidiary Body on Implementation (SBI) of the UNFCCC could not begin work on the first day of its meeting on June 3, in Bonn, Germany.

The provisional agenda could not be adopted due to wrangling over a proposal by the Russian Federation, Belarus and Ukraine to include a new agenda item. The three Parties had requested the UNFCCC secretariat (sometime between April and May) to include an item on the provisional agenda for the 38th SBI session “on procedural and legal issues relating to decision-making by the Conference of Parties (COP) and the COP serving as the meeting of the Parties to the Kyoto Protocol (CMP).”

(Apart from the SBI, the Subsidiary Body for Scientific and Technological Advice [SBSTA] as well as the Ad hoc Working Group for Enhanced Action under the Durban Platform [ADP] are also meeting in Bonn. SBSTA began its work as scheduled on 3 June while the ADP will commence its work on 4 June. The meetings of these bodies are scheduled to end on 14 June).

At the opening plenary of the SBI session which began around 10.30 am, Mr. Tomasz Chruszczow (Poland), who is the SBI Chair, informed Parties that following the request from Russia, Belarus and Ukraine to include the new agenda item, in accordance with rule 12 of the draft rules of procedure being applied, the proposed item was included in the supplementary provisional agenda as item 19. He then invited the Russian Federation, Belarus and Ukraine to clarify their proposal.

The Russian delegate, in explaining the proposal, said that the process of the negotiations these

past years have shown serious deficiencies regarding how the rules of procedure are not applied properly. He was of the view that the meetings were not conducted correctly, referring to previous COP/CMP meetings in Copenhagen, Cancun and Durban. He wanted to ensure that conditions are right in the future work of the UNFCCC where the UN rules are followed and applied, and where it is the sovereign right of all countries to express their views and to be heard. In a later intervention during the course of the plenary, the Russian representative also referred to the Doha climate talks. Belarus and Ukraine also expressed similar sentiments as Russia.

(At the Doha climate talks in December last year, these 3 countries strongly objected to the way the Qatari COP/CMP President gavelled the decision on the Kyoto Protocol, which severely limited the amount of credits or surplus allowances accumulated under the first commitment period, that can be used or traded as a means to avoid emission cuts under the second commitment period [CP2]. Russia did not make a commitment under CP2).

Following the clarification by Russia, Belarus and Ukraine, the SBI Chair proposed the adoption of the supplementary provisional agenda, which included the new agenda item.

Fiji, on behalf of the G77 and China, did not agree and wanted work to proceed on the basis of the provisional agenda and not the supplementary provisional agenda.

The European Union also could not accept the proposal by the SBI Chair, saying that although the three countries raised important questions, it

was not an issue for the SBI to decide but for the COP to do so.

(Poland is the incoming COP/CMP Presidency).

The Chair then proposed that the SBI launches its work on the basis of the supplementary agenda, while informal consultations are conducted by the Vice-chair of the SBI on the proposal by the three Parties, the outcome of which will then be reported to the SBI.

When asked for further clarification on the proposal, the SBI Chair referred to the precedent in Durban in relation to a proposal by India to include 3 additional items on the COP agenda (on equity, intellectual property rights and unilateral measures), where the COP decided to launch its work pending consultations among Parties on the Indian proposal.

The G77 and China said that the precedent referred to by the SBI Chair related to matters under the COP and not under the SBI, an issue also raised by the EU, and wanted the work of the SBI to proceed on the basis of the provisional agenda.

The SBI Chair then clarified that given the views of the G77 and China and the EU as to whether the agenda item proposed belongs to the SBI or to the COP, the proposal was to launch work on the basis of the provisional agenda and to conduct informal consultations on the additional agenda item on whether to include it or not.

This was not acceptable to Russia, Belarus or Ukraine. Given the lack of consensus on the matter, the SBI Chair suspended the meeting at around noon for informal consultations with the heads of the various country groupings.

The SBI plenary then resumed at around 5.45 pm. The G77 and China then proposed, as a sign of flexibility, that work proceed on the basis of the supplementary agenda, without its adoption, pending consultations on the new agenda item 19, (the focus of the consultations being whether to include the agenda item or not). After the consultations, the SBI Chair is to report to the plenary on the outcome and for the agenda to be formally adopted.

The G77 proposal was supported by the Alliance of Small Island States, the LDC group, the African Group, Independent Alliance of Latin America and the Caribbean (AILAC), the EU, the Environmental Integrity Group, China, India, Singapore, Gambia, Brazil, Saudi Arabia and Papua New Guinea.

India, referred to the Durban precedent and said that it had tabled 3 new agenda items, which were no less important than the issue raised by the 3 Parties. It said that when the COP Presidency requested India to step aside so that discussions continue on other agenda items, in the spirit of constructive attitude and compromise, it allowed the proceedings to continue while informal consultations were held. Since the issues raised by India did not enjoy consensus, it respected the process. It asked for this precedent to be followed.

Russia, Belarus and Ukraine could not accept the proposal put forward.

The SBI Chair then adjourned the session till the morning of June 4, and asked Parties to seriously engage and that this was “a good time to time to get rid of the bad ghost of the past and to find new spirit”.