

SBI: Parties express disappointment and call for impasse to be resolved

Geneva, 17 June (Zhenyan Zhu and Meena Raman) – Parties, at the closing plenary of the 38th session of the UNFCCC's Subsidiary Body on Implementation (SBI), expressed deep disappointment and concerns that its work could not be carried out due to the failure to adopt its agenda. They wanted the impasse to be resolved prior to the next meeting in Warsaw, Poland in November this year.

The final plenary was held on the afternoon of Friday, 14 June.

Both developed and developing countries indicated key issues where work did not progress, which covered 'loss and damage', adaptation, mitigation, finance, and capacity building. Developed countries were also concerned that no decision was taken as regards the proposal by the UNFCCC's Executive Secretary over the programme budget for the period 2014–2015.

Tuvalu made a strong appeal for “egos” to be put aside in Warsaw, saying that it was of supreme irony that those who were concerned about procedures made use of procedures to make the process worse, likening it to a situation where one crashes the car to show that the seat belts do not work.

Japan warned that if no solution is found to resolve the impasse before Warsaw, the credibility of the UNFCCC would be at stake.

The SBI could not conduct any substantive work during the two weeks of meeting in Bonn, as the Russian Federation, Belarus and Ukraine (RBU) had objected to the adoption of the agenda as proposed by the SBI Chair. The agenda could not be adopted due to wrangling over a proposal by the RBU to include a new agenda item.

The loss of two weeks of its work, with many hundreds of delegates and observers gathered in Bonn in frustration, is a blow to the global climate negotiations. This has thrown the SBI and the UNFCCC into a crisis of procedure and possibly of credibility. The SBI is a vital component of the UNFCCC structure, as it makes decisions on a wide range of important issues on implementing the Convention's provisions and objectives, and is thus seen as a key action arm of the UNFCCC.

At the beginning of the 14 June session, the SBI Chair, Tomasz Chruszczow (Poland), said the body unfortunately was not able to start its work because there was no consensus among Parties to adopt the agenda. He said that an agenda is the basis of any work and the objective of the session was to make significant progress for the 19th meeting of the Conference of Parties (COP19) in Warsaw.

He said that in spite of this disappointment, he called on Parties to move forward to Warsaw, and not look back. He said since the process belonged to the Parties, it was only they who could “bring the solution”. He noted that although consensus could not be reached on the SBI agenda, judging by what had been said, he expressed hope that Parties "will come to Warsaw with a new spirit of compromise, trust, openness and understanding."

Parties and observers made their closing statements where they expressed their concerns and disappointment with the failure to start the work and hoped for a way forward before convening next in Warsaw. (See TWN Bonn Climate News Update No.17: SBI process in crisis; unable to launch work.)

Fiji on behalf of **G77 and China** was deeply concerned and disappointed that the session of

SBI was not able to commence its work due to the inability of Parties to agree on the agenda. It was anxious about the impact of this development on the work of SBI and on other relevant bodies under the Convention, as well as on the work in Warsaw. It said now is not time for reprobation and Parties must resist finger pointing. Instead, said Fiji, we must collectively reflect on the methods of our work, especially the decision-making processes and the need for great consistency and clarity on the interpretation of the Rules of Procedure. The G77 and China was willing to play its part in contributing to better decision making in the UNFCCC process and called on the SBI Chair and other relevant bodies under the Convention and Parties to resolve this impasse, prior to the start of the 39th session of the SBI.

The **European Union** acknowledged the significance of the work of SBI for the implementation of the Convention and its Kyoto Protocol (KP). The work in the subsidiary bodies will be crucial to underpin the progress of the Ad Hoc Working Group on the Durban Platform (ADP), it said. The SBI continues to have an important role to support the implementation of the current climate regime and underpins progress for the future. It said it came to Bonn hoping to make progress across the SBI agenda especially the approach to address loss and damage, improving understanding of mitigation actions through the work programme on the diversity of nationally appropriate mitigation actions of developing countries (NAMAs) and the 2013-2015 review, etc. In addition, the fact that the budget for the 2014-2015 period has not been agreed to presents a major challenge to the Secretariat and has to be addressed as a matter of urgency at COP 19. It called for a positive work environment in Warsaw and is ready to discuss the important legal and procedural issues related to the decision making (raised by the RBU). It stressed the importance of looking for a way forward so we can get straight to work at COP 19.

Nauru for the **Alliance of Small Island States (AOSIS)** said that it is committed to a constructive discussion on procedure but procedural issues must not impede the substantive work essential to addressing climate change conducted by the SBI and the other bodies of the Convention. It called on Parties and the SBI Chair to resolve the procedural impasse before the next session of the SBI.

The failure of the SBI to commence its work has huge implications for the work on 'loss and damage', which is an issue of fundamental importance as its members are put in a position of having to deal with loss and damage from climate change impacts that cannot be adapted to. It said that the survival of our member nations is in all our hands and this is a grave responsibility and we must act with the urgency it demands and establish an international mechanism to address 'loss and damage' in Warsaw. In addition, the entirely avoidable delay in the SBI has also held up crucial discussions on the 2013-2015 review and considerable work remains. The joint contact group (under the two UNFCCC subsidiary bodies, the other being the Subsidiary Body on Science and Technological Advice) on the review must, with the assistance of the 'structured expert dialogue', deliver conclusions that lead to immediate implementation of the action required to meet the 1.5 degree C temperature target.

Nauru also requested the SBI Chair to assist in securing a compilation of Non-Annex 1 National Communications with recommendations and outcomes. On enhanced measuring, reporting and verification (MRV) of developing country mitigation actions, it said the continuation of the Consultative Group of Experts (CGE) with an expanded mandate to cover technical advice and assistance for biennial update reports and the development and communication of NAMAs with sufficient resources will still be essential for members of AOSIS.

On finance, delivering on the obligation for financial support is inextricably connected to items in this line of discussion as well as meeting the overall objective of the Convention. On adaptation, it said no progress can be made on adaptation without adequate, predictable and accessible funding. On capacity building under the Convention, it called for a clear process for enhanced action. This should include a way to take action on the results of the capacity building reviews and ensure that the Durban Forum on capacity building is more than just a platform for sharing experiences but one that translates lessons learnt into action.

Mexico on behalf of **Environmental Integrity Group (EIG)** said that Parties missed the opportunity to advance the work on the agenda of SBI, such as the diversity of NAMAs, loss and damage, technology transfer, review process and budget for 2014-2015 etc. It said the events of

the past days spoke loudly about how decisions are made. It was ready for substantive discussions on the RBU proposal, including the proposal by Papua New Guinea (PNG) and Mexico on the COP agenda. Discussions could not simply be postponed with the risk of not being able to produce an outcome. A process was needed if there was none to respond to the challenges, it added.

(At the Durban COP in 2011, Mexico and PNG submitted a proposal to amend Articles 7 and 18 of the UNFCCC which would allow for an exception to the consensus rule and to allow decisions of the COP to be taken by a three-fourths majority, subject to certain exceptions. No agreement was reached in this regard.)

Nepal for the **Least Developed Countries (LDCs)** said time, energy and important resources were lost and hoped this situation will not lead to deepened mistrust and negatively impact the progress of the negotiations under other bodies of this process and outcomes expected from COP 19 in Warsaw. It wanted a clear indication of how the SBI Chair intended to manage the SBI work in Warsaw.

Nepal added that the Durban and Doha decisions had laid the foundation for implementation of the agreed outcome pursuant to the Bali Action Plan and the issue of National Adaptation Plans (NAPs) was among them for LDCs and other developing countries. NAPs are fundamental and Doha agreed on support to be provided to the LDCs for this matter and the Global Environment Facility (GEF) was requested to inform the Parties on the way it intended to do so. Nepal wanted to hear the GEF response and for Parties to give it further guidance on this matter. It also said the LDCs were frustrated that they could not discuss the finance related issues under the SBI. On 'loss and damage', Nepal believed that the establishment of an international mechanism is more appropriate to address this as existing institutions could not do so.

Swaziland for the **African Group** said it was disappointed that Parties were unable to discuss issues under the SBI. Any delay in advancing negotiations means delay in implementation and the inability to discuss the issues in this session will greatly affect effectiveness in Warsaw.

Colombia for the **Independent Alliance of Latin America and the Caribbean (AILAC)** said that precious time should not be lost in

Warsaw and that the situation needed to be solved as soon as possible so that work can proceed. The precedent in Bonn cannot be repeated, it added.

Belarus on behalf of the **countries with economies in transition** including the **Russian Federation, Belarus and Ukraine** said that it regretted to note that the result of the SBI session had not been satisfactory. It explained that the RBU made a proposal to introduce an additional item on the agenda viz. "procedural and legal issues related to decision making by the COP and CMP", to put an end to the violations of rules of procedure in the climate talks. It wanted to ensure there is solid legal footing for Parties to work, creating the necessary conditions for consistent progress in elaborating a new comprehensive climate agreement. It claimed that the three countries have been in a paradoxical situation; this was so as there was general agreement that the issue they raised is important and needed to be discussed but could not be included in the agenda. This ran counter to transparency and accountability and as a result of this unfair approach, an impasse in the work was reached, said Belarus. It felt that it was right in making the suggestions. It hoped that time can be used to find mutually acceptable solutions.

Tuvalu in response to Belarus said that it was of supreme irony that those who were concerned about procedures made use of procedures to make the process worse, likening it to a situation where one crashes the car to show that the seat belts do not work. This, it said, made little sense and added that egos should not be put ahead of process. It hoped that egos do not come to Warsaw to "crash the car again".

The **Dominican Republic** said Parties are leaving Bonn with disappointment because there cannot be solidarity if some Parties accumulate riches on the basis of other people's tragedy. The only way to change the current climate crisis has to be based on brave, wise and timely decisions. It did not want the experience of Bonn to be repeated in Warsaw.

Australia reinforced that the SBI role is critical through the implementation of decisions taken. It said progress is needed in discussions on issues such as loss and damage, means of implementation, review of the Clean Development Mechanism (CDM) and the budget for the 2014-2015 period. It was disappointed that Parties could not collectively

arrive at a solution to allow SBI to start work. It supported an open discussion on the important issues raised by RBU and urged the Chair during the period between now and Warsaw to find a solution.

The **United States** was dismayed that despite the efforts made by Parties, the SBI was not able to begin its work and a number of important items could not make progress here. The substance that the RBU Parties raised is important, it said. It is important for the Parties to be recognized and be heard and to also find a way forward before Warsaw. It hoped for active reflections and conversation between now and Warsaw among Parties to find the way forward so that that COP 19 can open smoothly.

Japan expressed its deep concern with the lack of progress of SBI agenda items such as the budget, the NAMAs of developing countries, loss and damage, etc. It said the issue raised by RBU was important but there was no consensus. These matters were hardly understandable to most of the public in the world and serious questions will be raised by the tax payer on why so much money and time should be spent on this process. It is true that the issue of rules of procedure raised by the three countries has long been neglected and Parties had shown their inability to solve the procedural issue. This has caused damage to reputation of this body. Parties have a responsibility to find a way out until Warsaw and if we fail to solve the impasse, the credibility for the future of the UNFCCC would be damaged.

New Zealand said a good process is fundamental in the UNFCCC and Parties should find the way out before the Warsaw.

Civil society organisations were also invited to give their views right at the outset of the meeting. The representative of **Climate Action Network (CAN)** was disappointed that Parties had not been able to begin reviewing the

adequacy of the global deal in light of the latest science. He also expected progress towards the establishment of a mechanism to address loss and damage. He said that politicizing the process in the way some Parties had done was simply unacceptable. Warsaw will need to put the "I" back to this body and deliver on "implementation".

The representative of **LDC Watch** said that important discussions of consequence for LDCs have been postponed due to procedural blocking of the SBI. In Bonn, Parties missed the opportunity to start the work urged for a redoubling of efforts to work together constructively and substantively to ensure that in Warsaw, the international mechanism of loss and damage will be established. The representative of the youth constituency, **YOUNGO** said Parties needed to negotiate in good faith, and called for urgent action as nature cannot wait.

The SBI Chair also invited Parties to view a video with a message from the Environmental Minister of Peru, as host of COP 20. Venezuela also made a statement as host of the pre-COP next year.

The delegate of Venezuela elaborated on the engagement of their late President Hugo Chavez in environmental issues particularly as regards climate change. He said Venezuela could not host the COP 20 for some reasons but is pleased to be host for the pre-COP Ministerial and wanted that event to be one of broad social inclusion with ministers listening to the voices and ideas of the common people.

The SBI Chair closed the session, ending with a quote from former South African Archbishop, Desmond Tutu that "**differences** are not intended to separate, to alienate. We are **different** precisely in order to realize our need of one another."