

Aviation/maritime transport measures must respect UNFCCC principles, say developing countries

Bonn, 15 May (Hilary Chiew) – Several developing countries strongly reiterated that any measure for the international aviation and/or maritime transport sector must result from consensus of all countries involved and respect the principles and provisions of the UN Framework Convention on Climate Change and its Kyoto Protocol, of equity and common but differentiated responsibilities.

A joint statement by **Argentina, Brazil, China, Cuba, Egypt, Algeria, Venezuela, Ecuador, Nicaragua, Malaysia and Saudi Arabia** was made by Cuba at the opening of the 36th session of the UNFCCC's Subsidiary Body of Scientific and Technological Advice (SBSTA) on the agenda item 10.d referring to "emissions from fuel used for international aviation and maritime transport". **India** endorsed the statement from the floor during the discussion.

The two UN agencies specialising on these issues, the International Civil Aviation Organisation (ICAO) and the International Maritime Organisation (IMO), had submitted reports to the SBSTA and made presentations on their work to the UNFCCC Parties.

The statement stressed that there is no consensus at this stage for ICAO to move towards a global framework for market-based measures nor about the guiding principles and criteria, or global objectives on emission reduction targets for the international aviation sector. It also pointed to the IMO communication which states that the possible development of market-based measures for international maritime transport, as well as the impact of those policies for developing countries, are still under discussion.

Before any market-based measures can be considered, as a priority, there must be ensured specific provisions for transfer of technology, financial

resources and capacity building for developing countries.

A large number of developing countries also expressed rejection of unilateral measures in addressing emissions from the aviation and maritime sectors.

(These issues were also raised at the 35th SBSTA session held in Durban at the end of last year.)

Cuba, speaking on behalf of the group, said both organizations (ICAO and IMO) shall respect the principles and provisions of the Convention and of its Kyoto Protocol, of equity and common but differentiated responsibilities, as well as the promotion of a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties, particularly developing country Parties, and that measures do not constitute a disguised restriction on international trade.

It also reminded that in this issue, Article 2.2 of the Kyoto Protocol must be respected, through which the Parties included in Annex I shall pursue limitation or reduction of emissions of greenhouse gases of international maritime and aviation by working through the ICAO and IMO.

It further reiterated that any measure for the international aviation and maritime transport sector shall be the result of a multilateral process on the basis of mutual consensus of all involved Parties. Accordingly, it expressed special concern in respect to the unilateral measures in relation to emissions of aviation and-or maritime international transport, like the EU Directive of inclusion of civil aviation in the EU ETS (European Union - Emission Trading Scheme).

It recalled that the ICAO, at its 194th Council, adopted a Declaration that urges the EU and its Member States to refrain from including civil aviation operations in its emission trading scheme from and to non-State Members of the EU and that establishes that the Directive is contrary to international law. The approval of this Declaration shows that unilateral measures like the ones referred are not the appropriate solution to climate change and that, therefore, shall not be implemented to air transport operators of third States in an extra-territorial manner.

The group of developing countries in its statement questioned why ICAO, in its presentation to the SBSTA that referred to the ICAO report and communication, had failed to acknowledge that several ICAO Members, both from developed and developing countries, presented reservations to paragraphs of Resolution A-37.19. They said that they have previously requested that this should be clearly reflected in the future reports and presentations of ICAO in SBSTA, but this has still not occurred.

(The reservations were presented to paragraphs 6, 12, 14, 15 and 16 of the Resolution and according to Cuba also speaking on behalf of a number of countries at the Durban SBSTA meeting, these reservations were made due to the fact that those paragraphs are not consistent with the principles of the Convention, in particular equity and common but differentiated responsibilities, principles that should guide ICAO in its work relative to international transport emissions.)

The referred reservations, said **Cuba**, show that there is no consensus at this stage for ICAO to move towards a global framework for market-based measures nor about the guiding principles and criteria, neither for global objectives on emission reduction targets for the international aviation. It stressed that it is a matter of concern that the ICAO continues to work on the basis of issues that have no consensus yet.

In this respect, certain aspects of the current discussions of the ICAO Council and the Ad Hoc Group on Market Mechanisms cause concern due to the “global” treatment of this issue, that is inconsistent with the UNFCCC principles and provisions. In this way, in the next ICAO sessions, it must be guaranteed that the solutions must be based in a consensus; that there is a coherence between the UN climate change regime and the principle of common but differentiated responsibilities (CBDR); and that a study of the possible social, economic and environmental implications, direct and indirect, of the

market mechanisms, is undertaken, in particular in relation to those implications for developing countries.

In relation to the work of the ICAO referred to the States action plans, for 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 transport.

With respect to the IMO’s report and communication, Cuba said it is worth highlighting that the amendments to Annex VI of the MARPOL have not been adopted by consensus, and in fact it has been approved despite strong objections expressed by several developing countries, such as China, Brazil, Saudi Arabia, India, Argentina, among others.

(Mandatory measures to reduce emissions of greenhouse gases from international shipping were adopted by Parties to MARPOL Annex VI represented in the Marine Environment Protection Committee of the IMO that met 11-15 July 2011. A State that becomes party to MARPOL must accept Annex I and II. Annexes III-VI are voluntary annexes. The amendments to MARPOL Annex VI Regulations for the prevention of air pollution from ships, add a new chapter 4 to Annex VI on Regulations on energy efficiency for ships to make mandatory the Energy Efficiency Design Index, for new ships, and the Ship Energy Efficiency Management Plan for all ships. Other amendments add new definitions and the requirements for survey and certification, including the format for the International Energy Efficiency Certificate. The regulations apply to all ships of 400 gross tonnage and above and are expected to enter into force on 1 January 2013.)

The statement referred to the IMO communication that itself expresses that the possible development of market-based measures for international maritime transport, as well as the impact of those policies for developing countries are still under discussion. The group of developing countries considers as a priority to ensure specific provisions for transfer of technology, financial resources and capacity building for developing countries, before they can continue to make progress in the consideration of market based measures.

It urged the ICAO and IMO will take these matters under careful consideration in their future work and in their reports and communications in future SBSTA sessions, adding that it looked forward to these

organisations to continue to provide information about their activities and labour in the area of international aviation and maritime transport emissions in the next SBSTA sessions.

Brazil pointed out that in many of the negotiations regarding technical measures and operational measures in the two agencies, it has been quite difficult for specificity of the challenges of developing countries to be reflected in the discussion and the results of the discussion. It believed that much more serious considerations needed to show results.

China was of the view that the IMO's report neither reflect the CBDR principle in a full and objective manner nor consider the rights for economic and social development of developing countries. Notwithstanding that, it said many developing countries actively participated in negotiations and developments of technical guidelines for Regulations on Energy Efficiency for Ships, based on the pragmatic and constructive attitude.

It, however, regretted that the MEPC 63 (Marine Environment Protection Committee) has not yet adopted the draft MEPC resolution on the promotion of technical cooperation and transfer of technology relating to the improvement of energy efficiency of ships.

It pointed out that the resolution is a continuation of the past work of the MEPC, as well as an important foundation of its future implementation. It also said despite the flexibilities shown by developing countries, the MEPC was unable to reach consensus due to the fact that some countries lacked constructive attitude and flexibility, adding that the established principles of the UNFCCC and its Kyoto Protocol were again neglected by the IMO.

On ICAO, China said it would continue to support it to work based on UNFCCC's principle and framework. With regards to the market-based measure, China insisted that these measures shall be developed based on feasibility studies and driven by Parties. It firmly opposed any unilateral and mandatory actions or measures which will constrain the sustainable development of international aviation.

It reiterated that the principle of CBDR enshrined in the UNFCCC and its Kyoto Protocol is the fundamental principle for the international community to address climate change and the basis for further consultation.

When dealing with aviation and maritime emissions, a multilateral and transparent negotiation mechanism by consensus should be developed and the difference

between developed and developing countries should be recognised.

It further urged developed countries to provide technological transfer, capacity building and financial supports in a tangible manner to developing countries rather than attempting to impose their financial responsibilities on international aviation and maritime sectors.

Representing the African Group, Swaziland said any action to reduce emissions should be in line with the principle of CBDR and respective capabilities. It said the Group would like to express its concerns over the practice of some Parties and group of Parties to use unilateral actions and that this violated the spirit of the multilateral process.

India said it fully endorsed the comment and associate itself to the intervention by Cuba and would like this to be reflected in the record of the proceedings.

Denmark representing the European Union stressed the urgent need for all Parties to address the emissions from international transport in order to close the gap of emissions. It said it has always engaged progressively in ICAO and IMO work and it looked forward to working together with all Parties to give guidance to ICAO and IMO.

It was supported by **Australia, Japan, Singapore and Panama**.

Another agenda item that drew substantial intervention was Item 4 on "methodological guidance for activities relating to reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries (REDD+)."

Several Parties spoke in support of Papua New Guinea's opening statement on behalf of the majority of members of the **Coalition for Rainforest Nations**.

Papua New Guinea spoke on behalf of **Belize, Cameroon, Central African Republic, Chad, Costa Rica, Ivory Coast, Democratic Republic of Congo, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Fiji, Gabon, Ghana, Guatemala, Guinea, Guyana, Honduras, Indonesia, Kenya, Laos PDR, Liberia, Nigeria, Panama, Pakistan, Republic of Congo, Sierra Leone, Solomon Islands, Suriname, Togo, Uganda and Vietnam**.

It said in Durban, key decisions on safeguards information systems and modalities for a forest reference emission level and a forest reference level were adopted. Therefore, given that Parties must complete the LCA (long-term cooperative action) this year, including REDD+, Parties cannot afford time to continually reopen issues that had already been agreed on.

It believed that SBSTA has largely completed its work and any remaining issues are policy related and therefore under the scope of the LCA. For example, it said, in (Durban) decision 1.CP16, Parties have already agreed that the MRV (measurement, reporting and verification) of REDD+ must be consistent with the MRV of NAMAs. Further, Parties already have many decisions related to modalities for national forest monitoring systems.

Therefore, it added, in this session, Parties must strictly focus their energies on very specific issues identified through several previous decisions.

It emphasised that rainforest coalition countries are ready to start with the implementation of REDD+ activities and no further delay can be allowed. By no means, they can permit reopening any discussion on agreed items in REDD+ and NAMAs. It's now time for implementation, it stressed.

On the issue of coastal marine ecosystems under the research dialogue, it is looking forward to engaging with all Parties in a fruitful and open discussion on the contribution of these ecosystems to adaptation and mitigation of climate change with the view to convene a dedicated workshop on the matter involving all relevant stakeholders to be held before COP18 (in Doha at the end of the year).

Speaking on behalf of the Comifac (the Central Africa forest commission), Democratic Republic of Congo said it wished to reiterate the issue of overcoming methodological issues such as modalities, notification and verification and it believed that these matters should be guided by the Global Environment Facility guidelines which allow for combination of remote sensing and ground data to be used and that the capacity and national situation of countries should be improved over time so that there is no prejudice on date that is lacking.

It further said notification of REDD+ should be compatible with notification of NAMAs to give flexibilities to the countries.

Supporting Papua New Guinea's statement, **Indonesia** said it has adopted the guidance and modalities for safeguards information system for it to

test the guidance in practice. It said it saw two issues to be finalised in Bonn which are related to modalities for national forest monitoring system and MRV system. It said forest countries generally have a national forest monitoring system in place and reporting REDD+ should be built on existing systems.

It further said Indonesia had worked on the issue for eight years and does not want to prolong with insufficient actions on the ground.

Guyana said much has been accomplished on guidance for safeguards and would like to refer to the Cancun (COP 16) decisions that link MRV of REDD+ and MRV of NAMA and need not duplicate our efforts.

(This agenda item will be discussed further in a Contact Group to be co-facilitated by Peter Graham of Canada and Vicky Tauli-Corpuz of the Philippines.)

In the opening statement to SBSTA, **Algeria representing the Group of 77 and China** said adaptation is an issue of central concern to the Group. Therefore, it welcomed the opportunity to discuss potential future areas of work of the Nairobi Work Programme (NWP) at upcoming sessions of the SBSTA. Any future work carried out under the NWP should be aimed at enhancing the capacities of developing countries and that it looked forward to the workshops on water and ecosystem-based adaptation scheduled for later this year.

It also welcomed the research dialogue in the current SBSTA session on research and systematic observation to raise awareness and build capacity on climate change and its impacts.

It added that the Group looked forward to engaging constructively in the forum on the impact of the implementation of response measures as well as to the work programme to address these impacts, adding that it is important to give a great attention to this issue given the diversity of economies which are affected by the mitigation actions of developed countries.

While welcoming the efforts made by the Technology Executive Committee during its last meeting, the Group said that two serious hurdles remained: the intellectual property issue and the host country for the Technology Mechanism.

It also noted the new agenda item on agriculture and stressed that adaptation in the agriculture sector is a key priority for developing countries.

It further stressed the importance of having a balanced discussion and outcome on the implementation of market and non-market based approaches regarding the drivers of deforestation, forest degradation as well as on forest monitoring systems.

Swaziland, representing the African Group stressed that adaptation in agriculture is of the highest priority for Africa as it is the economic backbone of many African countries. There is thus an urgent need to establish a three-year work programme to enhance international cooperation on research and development of climate resilient agricultural systems, practices and technologies based on needs identified by African countries, and establishing modalities and guidelines too enhance cooperation and dissemination of research outcomes and technology outputs.

The work programme, it said, will need to start by assessing the present knowledge on scientific and technical issues on the impact of climate change on agriculture and assess the social economic and environmental impact of climate change on agriculture sector.

On common reporting format and MRV, it noted with grave concern the pace at which great progress was made for non-Annex I Parties' mitigation actions but Parties have yet to engage fully and openly, let alone agree on key components of the comparability framework among Annex I Parties' mitigation such as converting the pledges into tonnes of carbon, a common accounting framework and a compliance mechanism.

It warned that this unbalance has to be faced accordingly and reconciled if Parties are to ensure a swift and successful completion of work this year.

On the work of the TEC, it welcomed the report of the TEC and appreciate the first rolling workplan of the TEC for the period 2012 – 2013. It noted that the activities of the workplan include issues of particular interest to the African Group such as enabling environment and barriers to technology transfer and research and development.

The Group looked forward to consideration of the TEC of these issues to result in policy and programme priorities that enable technology transfer to developing countries in accordance with Articles 4.3, 4.5 and 4.7.

On the selection of a host of the Climate Technology Centre and Network, it looked forward to deciding on a host that has a regional coverage, capacities, experience and knowledge to respond effectively to the needs of developing countries.

Representing the Least Developed Countries (LDCs), Gambia said as it is required to identify the new area of work under the NWP, LDCs feel that it is important to address loss and damage as one of the critical new area that needs to focus on. In this sense, the NWP could provide technical assistance for the developing countries, especially LDCs in order to enable the risk assessment, risk reduction and and rehabilitation and data sharing for reducing all related events of loss and damage arising from the impact of climate change, especially in the area of agriculture, infrastructure and water resource availability. It is also critical for addressing the linkages between the NWP and other elements of Cancun Adaptation Framework, such as the adaptation committee and National Adaptation Plans, especially providing overall technical supports mandated to the NWP under the current and future area of work.

Nauru, speaking on behalf of the Alliance of Small Island States (AOSIS) highlighted that since Durban there has been increasing scientific evidence that the climate crisis is getting worse. The rate of sea level rise over the last 20 years is double the rate observed over the last century, significantly above the upper end of the range projected in the Intergovernmental Panel on Climate Change 4th Assessment Report and this represents a great threat to AOSIS survival and viability.

It is pleased with the session of the research dialogue and it would like the scientific community to address various emission scenarios, the implications of global warming levels and carbon dioxide concentrations especially in relation to the 1.5 degree Celcius level, ocean acidification, sea level rise risk assessment, including with (melting) ice sheet responses and assessments of the emission reduction pathways required to limit global warming to well below 1.5 degree Celcius.

All 13 agenda items of the SBSTA were launched and the contact groups will meet throughout the two weeks and produce draft conclusions to be presented to the SBSTA plenary on 25 May