

strategic discussion on the elements of future commitments.

13. Rules of Procedure: Agreement on Rules of Procedure continues to elude Parties despite the efforts of outgoing President of the Conference of the Parties, Minister Merkel of Germany, who presented a new formulation for rule 42 on voting, for a three-quarters majority on substantive measures and a double three-quarters majority on financial matters (ie Annex I and non-Annex I countries). In spite of the willingness of most Annex I countries to support this proposal the G77 rejected it outright, because in their view, a double majority would confer special rights on Annex I countries. Saudi Arabia raised the issue of Rule 22, with respect to the composition of the Bureau, indicating their continued interest in a seat for OPEC, if one is reserved for the Alliance of Small Island States (AOSIS). In the COP sessions Saudi Arabia also objected to the application of the Rules, in the absence of an agreement. The President of the COP (Zimbabwe) succeeded in having the COP bureau elected (2 representatives from each of 5 regional groups including Tony Clarke of Canada and a representative of AOSIS) and the chairs of the subsidiary bodies.

14. IPCC: The key item of discussion for SBSTA was the Second Assessment Report (SAR) of the Intergovernmental Panel on Climate Change (IPCC). Two issues were debated: first, that the SAR is currently the most comprehensive and authoritative assessment of the science of climate change, its impacts and response options now available, and second, that the SAR should be used as the basis for urgently strengthening action on climate change. The first issue was agreed to at SBSTA. The question of whether the SAR should form the basis for urgent action was opposed by several countries, including the OPEC countries, China and Russia, resulting in a stalemate on the second issue, nor was SBSTA successful in identifying discrete elements of the SAR which could be of guidance to the AGBM negotiations. The Ministerial sought to go further endorsing both elements, i.e., that the IPCC SAR is a step forward, and that science should provide a scientific basis for urgently strengthening action on climate change.

15. Possible features of a Protocol or other legal instrument: A consensus is emerging that the same institutions be used, should a Protocol be the result at COP 3. Those Parties who expressed a preference supported a Protocol, while a number of others kept their options open, without expressing a preference. China indicated that it was against an amendment. We supported the use of the same Secretariat and Conference of the Parties.

16 The Chairman also made available to the AGBM a legal opinion from the United Nations Office of Legal Affairs with respect to the implications of Article 17.2, which requires that the proposed text be communicated to the Parties before its proposed adoption. According to this opinion, it is not essential that the text that is circulated six months before the text is adopted be in its final form. However, the draft text that is circulated must be "elaborated enough to enable the Conference to adopt the final text of that instrument". Canada also noted