

Avoid non-transparent processes in developing texts, caution developing countries

Bonn, 10 June (Meena Raman) – Developing countries cautioned against the production of decision texts from non-transparent processes, as has been the case in some previous UNFCCC meetings.

The Philippines said that the “UNFCCC process started deteriorating when texts came from nowhere”. Referring to the Copenhagen talks in 2009, it said the talks broke down because the multilateral process was not followed.”

It was among several developing countries who wanted the contact group of the Ad hoc Working Group for Enhanced Action under the Durban Platform (ADP) to begin negotiations based on Parties textual proposals. These remarks were made on 8 June when the contact group was going to focus on discussing ‘mitigation’ in the 2015 agreement.

The Philippines said that the UNFCCC process started deteriorating in Bali, where parts of the outcome document were being negotiated somewhere else away from the negotiating hall. It recalled that a lady minister from a developing country was not able to get into the negotiating room. It then referred to “the famous Copenhagen Accord”. It said the Copenhagen talks broke down because we did not follow the multilateral process. In Cancun (2010), the texts were adopted by applause (despite the objection of Bolivia) and in Durban (2011), agreement was reached through “huddle” and a decision was adopted that many had not seen.

“We do not want to go through that again”, said the Philippines, adding that the Warsaw climate talks were not too bad and the process had started healing after Durban. It urged for an open and transparent process. In response to several Parties who spoke of long compilation

texts, the Philippines said that the Convention and the Kyoto Protocol also took a large number of pages of texts before they were finally agreed to.

In response, ADP Co-chair Runge-Metzger (the European Union) said that the Co-chairs (the other being Kishan Kumarsingh of Trinidad and Tobago) guaranteed that the process would be transparent and inclusive. He also reiterated that there is no single opinion on how to move forward on the process and that more talk was needed.

When the session began, the **Philippines** said that that the G77 and China had asked for a bigger room so that it would accommodate all delegates and observers in an open and transparent process. It stressed that Parties were in a contact group but were still exchanging views on different topics and were not getting into drafting texts despite the fact that one group of Parties had put forward a text for negotiations [referring to the conference room paper (CRP) submitted by the Like-minded developing countries]. It said that after discussions are finished, at some point Parties needed to go into drafting texts as there is no movement in the process until there is textual drafting by Parties. It further said there were submissions from Parties and if some Parties liked the annex of the Co-chairs’ reflections note, they could convert that into a CRP and negotiations could begin. Otherwise, the Co-chairs would be exercising the right of Parties. It asked for clarity on when Parties would move from talking to writing.

In response, Co-chair Runge-Metzger said that he had also heard that Parties wished to delve into the substance of the discussions, including in the content of the CRP (by the LMDC).

The Philippines then asked again when Parties will get into negotiating texts. It wanted to know the timeline. After the discussions on the topics, what happens, it asked. It asked further as to who will put the Parties submissions together. If Parties agree that the Co-chairs will do that, then the Co-chairs will get the mandate from Parties to do a compilation text. What the Co-chairs were doing does not have the consensus of Parties.

Venezuela also expressed concerns over the process and this was raised in the March session of the ADP this year. It said clarity was needed on what issues could be sent for drafting in small groups while on other issues, there is need for more political discussions. In the case of the latter, there could be options. Parties already know the views of each other by now on the elements. It added that the old-fashioned way of the United Nations (in multilateral negotiations) has delivered resolutions in complex issues like the weapons treaty. It questioned the need for “creative” and “inventive methods” instead of following the normal classical negotiating methods of the UN where texts in brackets are normal. Referring to the negotiations in Copenhagen in 2009, it said Parties were then not negotiating in good faith, while this time, Parties are negotiating in good faith and trust is needed.

Uganda associated itself with the Philippines and Venezuela and asked the Co-chairs if they intended to establish spin-off groups at some point and go into more productive work at the current June session.

Norway said that it had studied many of the proposals and would like to share them and wanted to move from a procedural discussion into substance. How to reflect the progress of the work is important but that should not stop the work, it said. It expressed sadness to hear of issues that had little consequence to the outside world, referring to the discussions on procedure.

Canada supported the approach adopted by the Co-chairs.

Ecuador expressed concerns that some Parties were saying that the discussion had little consequence. It supported the Philippines and said that the issue was if Parties were negotiating texts and addressing proposals or continue discussing in an open way based on the questions posed by the Co-chairs.

Japan said it was not in favour of spin-off groups and that the procedural discussion was over. **Switzerland** said that there would be a stock-taking session of the ADP and that is when Parties can look at how to proceed based on the substantive discussions. It was of the view that it was too early for spin-off groups.

India said that from the time the ADP was set up (in 2012) till March this year, Parties have been engaged in presentations, workshops and listening to each other's views. Formal negotiations are needed in the contact group to get a clear decision (on the elements of the draft negotiating text). There were submissions on the different elements by various Parties. Where is the consensus that Parties should proceed (with work) in the current way, it asked. It wanted to proceed with formal negotiations with Parties evolving texts. It said that a large number of Parties are not agreeable to an alternative approach.

China supported other developing countries and said that the time is now to get into real negotiations. It had passed the stage of conceptual discussions and workshops and stressed the need to get into drafting. It called for a compilation text and to have spin-off groups. It wanted texts on the screen and asked why some Parties are preventing real negotiations to begin, as there was only one and half years to Paris (2015). Real progress was needed now.

The **European Union** expressed concerns over losing time in discussing procedure. It was of the view that it was not helpful to look at 100 submissions and that will not make progress. It wanted to hear and understand the issues, including on the CRP, to know where the convergence and divergence are. The Co-chairs' reflections document was helpful, it added. It wanted immediate priority to be given to the issue of intended nationally determined contributions (INDCs) and referred to the Co-chairs' proposal (non-paper on a draft decision), which should be further advanced. In this regard, it said Parties could get into textual proposals.

Russia said the Co-chairs are able to distil the outcomes from the discussions. It was not comfortable with spin-off groups. It said lessons should be learnt from the past where there were volumes of papers which were not productive for the preparations towards the Copenhagen conference.

Cuba said that the procedural discussion being had was on substance. The clarity of procedure advances substance. It wanted the Co-chairs to clarify how they planned to reflect the discussions on the elements as a next step; how they would take forward the submissions by Parties and how they saw the issue of a compilation text.

Kuwait supported all the other developing countries.

Egypt said it was puzzled by Parties who say that when the issue of procedure is discussed, that is delaying progress on the substance. It said that time was being taken to resist on how to proceed. It also wanted to see a compilation paper and did not want an outcome that is not country driven. Statements by Parties will not lead to an outcome. It called for procedural clarity on the outcome of the discussions.

The **United States** said that Parties are aiming towards elements of a draft negotiating text. The job of the Co-chairs is to help synthesise those elements from the Parties' submissions. It is not efficient to have Parties' thoughts about this. The Co-chairs can be used to synthesise all ideas with their best effort and it is then for Parties to react to it. The synthesis is to find out where is the convergence and the divergence. It stressed that it was talking about elements and not negotiating on actual texts. That is for a later stage. We can react to various things where we can have a fair and open process that allows agreement, it added, and stressed that other modes of work do not meet the needs of all Parties.

Iran echoed the views of other developing countries to start formal negotiations and did not see the workshop mode of work deliver the outcome needed. It also called for a compilation text of Parties' views.

Singapore said it was open to work in any format that Parties are comfortable with. There will be need for spins-off and smaller groups but it was a question of sequencing, timing and maturing of issues in discussions. It said it is useful to begin on thematic clusters and there needs to be time for a broader discussion on inter-linkages. It said the ADP should continue with the current manner of working and this should be reviewed at the stock-taking session.

Ethiopia said that while the discussions are valuable, in the final analysis, it is words written down and negotiated that constitute a new

international law. Parties cannot get away from negotiations and it was worried that this has not started. There needs to be a compilation of texts, to then go into specifics, and fight word for word. It was for hastening the process.

Jordan supported the CRP of the LMDC as well as the views of other developing countries on the need for textual negotiations.

El Salvador also expressed similar concerns as other developing countries on the delay in getting into negotiations. It asked when the time for spin-off groups was right and stressed the need for a timeline. **Bolivia** echoed the same concerns, stressing that Parties were avoiding working on texts of other Parties.

Switzerland said that the Co-chairs' 'landscape of issues' in their reflections note was very helpful.

Brazil said that for the process to work, all Parties have to be comfortable or unhappy at the same level. It wanted to see how the Co-chairs were going to address the methods of work.

Kuwait said that English is not its mother tongue and so many terminologies were being used and there was no text to work from. It asked if the normal UN procedure will be followed with Parties working on a draft text.

The Philippines asked when Parties will start negotiations and on what text, stressing that the Co-chairs cannot come up with their own texts.

Runge-Metzger said in response that the Co-chairs are not going to produce a negotiating text. The task in Lima is to have elements of a negotiating text. There needs to be a negotiating text at some point of time.

Ethiopia said that it would be amazed if Parties objected to the Co-chairs producing a compilation of text from the texts of Parties and their views, from which negotiations can begin.

Gambia pleaded for negotiations to start. If there is no Co-chairs' text, then Parties could begin with the CRP which is on the table and start improving on it. It also did not want a repeat of what happened in Copenhagen.

Runge-Metzger said that in bilaterals with Parties, there were concerns about having compilation texts of hundreds of pages.

Tuvalu said that it remembered the Bali process and the compilation text there was unworkable.

There needed to be confidence building. In response, **Kuwait** said that the Marrakech Accords of the Kyoto Protocol was a success story which had many pages of texts and asked why this story could not be repeated.

China sought clarification on what the Co-chairs were going to do in relation to the non-paper on the INDCs. Runge-Metzger said that the document did not have an official status. It tried to reflect what the Co-chairs heard during the March session this year. Reactions of Parties will be sought in another session of the contact group. Parties could tear the paper apart. **China** said that the non-paper did not relate only to the task of the ADP to identify the information related to the contributions but enlarged it to a

consideration of the process relating to the information, which was not in accordance to the Warsaw mandate. Responding to China, the Co-chair said that he noted that many Parties were asking for a consideration process. This matter can be considered when the INDC issue comes up for discussion.

Cuba wanted clarification on whether any new documents will be produced by the Co-chairs to which Runge-Metzger replied that they are not going to produce any document. He also said that Parties could discuss further on how they intend to move forward in the process at the stocktake session to be held mid-week.