

No consensus in ADP process moving forward

Bonn, 13 June (Indrajit Bose and Meena Raman) — There was no consensus among Parties on the process of how the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) should move ahead. This became clear on 12 June as the ADP Co-chairs Kishan Kumarsingh (Trinidad and Tobago) and Runge-Metzger (European Union) took stock of the progress of work so far at the ongoing climate talks in Bonn, scheduled to end on 15 June.

The crux of the conundrum is on how the elements of the draft negotiating text will be “collectively constructed” - a phrase that the ADP Co-chairs had coined in the last session in Bonn in March of the ADP. An issue was whether this would be done by the Co-chairs based on what they have heard and seen from Parties submissions, or on whether the details of the elements should first come from the Parties in written form to be then compiled and to be negotiated collectively.

In a conversation replete with analogies on ‘what’s cooking in the kitchen’, ‘who will cook’, ‘who will supply ingredients’ and ‘who will stand by the stove’, many developing country Parties made it amply clear that they were not on the same page as the Co-chairs on the manner in which the ADP negotiations are progressing.

While all developed countries appeared comfortable with the ‘workshop’ mode of work with discussions based on issues posed by the Co-chairs (which was also supported by some developing countries), the **African Group**, the **Like-Minded Developing Countries (LMDC)** and the **Arab Group** preferred to progress work and negotiate on the basis of written proposals coming from Parties. **China** gave specific ideas on how a “collective text” could be constructed. They were concerned about a ‘pick and choose’

approach where the Co-chairs decide what would constitute the elements of the draft text.

In stark contrast, countries including the **European Union**, **Switzerland**, speaking for the **Environmental Integrity Group**, the **Umbrella Group**, the **Independent Association for Latin America and the Caribbean (AILAC)**, the **Least Developed Countries**, several island nations, **Brazil** and **Singapore** wanted the Co-chairs to capture the progress made in the discussions and produce the ideas and proposals that have come from the Parties.

Many of developing countries had earlier cautioned the Co-chairs to avoid a non-transparent process in developing texts. On 5 June, the Co-chairs had tabled a draft decision on ‘communication of intended nationally determined contributions (INDCs) of Parties in the context of the 2015 agreement’ (referred to as a non-paper), which had caught many Parties off guard. Again, there was a divide on how the Co-chairs’ non-paper was viewed, with developed countries wanting the Co-chairs to redraft the non-paper based on the discussions, while many developing countries wanting that text to be based on Parties written texts.

At the stocktaking session, several developing countries also made it clear that the Co-chairs were not given any mandate to table the non-paper.

The Philippines, reflecting the views of the **LMDC** said that “only Parties are allowed to table draft decisions and if any Party wanted to table the Co-chairs draft decision as their own, they are free to do so.” Calling for a compilation text based on Parties’ proposals, the Philippines said if the Co-chairs decided to outline a draft decision from the submission by Parties, it would

be biased in one way or the other because the Co-chairs would have to pick and choose from the diversity of proposals and ideas.

Sudan, speaking for **the African Group** said that for the ADP “to arrive at a draft decision, a compilation of Party submissions is a starting point. It is following such a compilation and Parties reflecting on how to go forward that the Co-chairs can help Parties in streamlining the views expressed in writing or verbally”.

“We are trying to cook a meal. We have given you the ingredients. We cannot let you take it in your kitchen. Similarly, we do not want any elements missing before the food is cooked. We need a truly Party-driven process,” said **China**. It will be easier for Parties to submit details on elements and then Parties can start “collectively constructing” a text, China stressed. The Co-chairs added to the semantics and said that they would “collectively construct the text in a constructive manner”.

Bolivia, for the **G77 and China** stressed that the negotiations under the ADP must be a Party driven process and must be fully inclusive and transparent. It should build on inputs from Parties and any outputs of the process would reflect inputs from Parties. **Venezuela** cautioned that there should be no last minute surprises.

Developing countries also wanted more clarity on how the Co-chairs are conducting the work of the contact group, and how the progress of the negotiations was being captured. Many countries including **China** and **India** said it did not seem as if negotiations were happening in a contact group which was not text based and it appeared as if the workshop mode continued, as has been going on in the past, although this is the first time Parties are in a contact group setting.

After hearing the exchanges, the Co-chairs eventually decided that it would be business as usual. “We are more than happy to stay near the stove. We will not spring any surprises,” said Kumarsingh. “We will take note of submissions at this intersession and will continue to do what we have been doing. We will reflect all your views and as per normal mode, we will issue a Co-chairs reflection note under our own responsibility, as well as prepare a scenario note prior to the meeting in October 2014,” he added. (Emphasis added).

Speaking for **G77 and China**, **Bolivia** reiterated that the negotiations under the ADP must be a Party driven process and must be fully inclusive and transparent. It should build on inputs from Parties and any outputs of the process would reflect inputs from Parties. The Group wanted further discussions on the big picture for elaborating the elements for a draft negotiating text, relevant linkages to the discussions on the contributions and information thereon, and possible time-frames and milestones. The Group emphasized the need for clarity on the organization of the remaining work of the Bonn session, in particular, with respect to the scheduled timing of meetings, to ensure that regional groups get their time to conduct coordination meetings.

Calling for urgent steps, the **Philippines** for the **Like Minded Developing Countries (LMDC)** said that draft decisions do not come from Co-chairs. Only Parties are allowed to table draft decisions and if any Party wanted to table the Co-chairs’ draft decision as their own, they are free to do so, but it was not the Co-chairs’ mandate to table a draft decision. “We would like to see our (all Parties) ideas in the form of a text,” said the Philippines. On the conference room paper (CRP) tabled by Malaysia on behalf of the LMDC on 3 June 2014, the Philippines said that the intention was not to say that the CRP is better than any other paper, but that it is just following the rules of the multilateral and intergovernmental negotiations process. It reminded the Co-chairs that it’s not a matter of trust in the Co-chairs, but it was about trust among the Parties. In the process of negotiations, the understanding needs to be captured in a language that can lead to a draft agreement. Calling for a compilation text, the Philippines said that if Co-chairs decided to outline a draft decision from the submission by Parties, it would be biased in one way or the other because the co-chairs would have to pick and choose from the submissions. It did not mince words when it added that there is no consensus on the Co-chairs’ text the same way there is no consensus about one Party’s proposed text to be the basis for negotiations. “I haven’t negotiated with the Co-chairs and I will not start now,” said the negotiator from the Philippines.

Speaking for the **African Group**, **Sudan** said the non-paper presented by the Co-chairs did not

have the benefit of submission made by Parties or the views expressed by Parties under the contact group. It called for the compilation of Party submissions as a starting point to arrive at a draft decision. It is following such a compilation and Parties reflecting on how to go forward that the Co-chairs can help in streamlining views expressed in writing and or verbally, it said. The Co-chairs could assist Parties by identifying broad areas of negotiations as reflected in the Parties' submissions and interventions. The Africa Group reiterated the importance of having a clearer planning of work for the both the additional session in March and in Lima, in providing an assurance to a number of Parties on process related aspects.

Speaking for the **Arab group**, **Algeria** said that the Parties would have achieved more progress if the negotiating text reflected the position of all Parties. It added that any draft text should be a jointly constructed text, which came from the Parties and reflected their submissions and oral statements. "The CRP should be the basis of the document (draft text)," said Algeria.

China said it is necessary to look at the larger picture of how negotiations are progressing, leading to the final outcome in Paris. "We decided in March that we will get into a contact group and not just change the format of discussions. We should not prolong the workshop or the talkshop. But the past few days we have been continuing in that mode. We need to change that and move to the real mode of negotiations now," it said.

China said while it was concerned about overburdening the Co-chairs to do extra work, it was important to get back to the process of "collective construction" of the text. "The inputs have to come from the Parties. We are trying to cook a meal. We have given you the ingredients. We can't let you take it in your kitchen. Similarly, we don't want any elements missing before the food is cooked. We need a truly Party-driven process. In other words, the question is how do we cook?" asked China. Continuing with the cooking analogy, China said that the ingredients would come from the views and submissions of Parties. "It may be hard for the chair to do so. It will be easier for Parties to submit details on elements. We can then start collectively constructing. It is better if we do it together," China said. It need not be in the form of a full

draft text, it could be a few bullet points, China added.

It agreed that all Parties' views are equal and if the Co-chairs attempted a draft text, and did not include in it the view of a particular Party, it ran the risk of the Party to think that it has "lower status". Such an approach has risks and will delay the process. The idea is to switch to the real negotiations mode, change gears and speed up the process in a transparent, open and "collectively constructive" process. It provided ideas on how Parties could draft the elements and elaborate them in bullet points.

India too expressed the need to get into proper negotiations as decided in the March session in Bonn. It reiterated that the views of Parties must be respected and that it is only through negotiations that Parties could arrive at a consensus. It also stressed the need to "change gears" and move into negotiations based on texts from Parties.

Venezuela said negotiations should be balanced, based on input by Parties and that "last minute surprises should not be repeated". It also iterated the need to begin discussions on the legal approach and wanted clarity on the level of legal ambition. It called for the need of a legal team of experts from now to COP21 in Paris to examine the legal implications in the context of the ADP and for legal coherence of the agreed outcome with the Convention and the Kyoto Protocol after 2020.

Speaking for **Alliance of Small Island States (AOSIS)**, **Nauru** made it clear that the draft text that the Co-chairs had prepared on the INDCs was a "non-paper" that may serve as a useful piece to guide discussions. Nauru also wanted to know in what form the Co-chairs would reflect discussions of Parties.

Speaking for the **Independent Association for Latin America and the Caribbean (AILAC)**, **Colombia** said that written and oral inputs by Parties are fundamental to the negotiations process and commended the work of Co-chairs.

South Africa supported the Africa Group. While it welcomed the leadership of the Co-chairs, it said it wants to see a document that reflects the Parties' points of view rather than the Co-chairs thinking on their behalf.

Brazil said everyone in the room is aware of the stand of Parties and that it is important to move

into more concentrated lines of negotiations. Brazil said work must concentrate on the elements that Parties have been mandated to discuss, even if in a bullet form and it is important to work on a draft negotiating text because they would not be able to “negotiate out of thin air”. In keeping with the cooking analogy, it said, “The ingredients come from us. You can provide pots and pans. If we don’t like what you cook, we will send you back to the kitchen,” it said.

Peru reminded Parties of the sense of ambition and urgency expressed by the President-designate for COP 20 Minister Manuel Pulgar-Vidal. It underscored the importance for Parties to work in good faith and cooperative spirit to ensure the process of “collective construction” on the way to Lima.

Tuvalu called for more focused discussion and said it was premature to consider a draft negotiations text at this stage and would be happy to work on the elements. **Nepal for the LDCs** supported the Co-chairs’ landscape document and added that it would be useful to get more time to discuss those ideas. **Singapore** said it is quite comfortable with the method that the Co-chairs had outlined and said it would be happy to leave Bonn with a draft decision. **Marshall Islands** commended the work of the co-chairs and urged them to lead the way.

The **European Union** said Parties have been negotiating and it was the duty of the Co-chairs to guide on the draft elements for Lima. It was too soon for a line by line discussion. It wanted the Co-chairs to identify the contentious issues and find a clear resolution, adding that they need to reflect on what they have heard from Parties. It said that the views of all Parties are relevant. Referring to the Co-chairs non-paper, it said that it was useful to focus the discussions on the issues.

Switzerland represented the **Environment Integrity Group (EIG)** and thanked the Co-chairs for their “transparent” manner of conducting negotiations and the stocktaking. Adding that the Co-chairs’ process is Party driven, it said that while each Party has the right to provide input, it is important that Co-chairs facilitate the process to find common ground among Parties. Referring to the CRP by the LMDC, it said that no one submission should be given precedence over the others. It called for the submissions and proposals by Parties to be compiled into a miscellaneous document needs that could be updated. It urged the Co-chairs to capture progress in a note after the session and come up with a revised draft decision prepared by the Co-chairs for the next ADP session (scheduled in October 2014). It could be a revised landscape document. “The miscellaneous document should include everything, including CRPs and include what you see as common issues,” it added.

Speaking for the **Umbrella Group** of countries, **Australia** supported the reflections note prepared by the Co-chairs as a “helpful way to generate discussions”. Referring to the CRP by the LMDC, Australia added that negotiations could not be based on one Party’s submission. The next steps should be to continue work in a single contact group and not break out into spin off groups at this stage because it is not yet time for line-by-line negotiations, it said. The **US** supported the “iterative process” in which the Co-chairs provide the text and wanted them to go back and capture what they understood, and present it to Parties.

At the stocktaking, the Chairs of the subsidiary bodies as well as one of the Co-chairs of the Green Climate Fund (GCF) Board reported on the progress of issues relevant to the ADP’s work.+