

Parties express views on ADP Co-chairs' documents

Bonn, 21 Oct. (Hilary Chiew) – Parties at the meeting of the Ad Hoc Working Group on Durban Platform for Enhanced Actions (ADP) gave their reflections on how they viewed the various documents produced by the Co-chairs for their consideration.

The ADP is convened under the United Nations Framework Convention on Climate Change (UNFCCC) and is resumed its meeting from the 20th to 25th October in Bonn, Germany.

The ADP Co-chairs, Artur Runge-Metzger (EU) and Kishan Kumarsingh (Trinidad and Tobago) convened the opening plenary and informed Parties that they had prepared several documents for their consideration which included (i) a non-paper describing Parties' views and proposals on the elements for a draft negotiating text in bullet-point format (for the 2015 agreement to be concluded in Paris next year); (ii) a revised draft decision text on the intended nationally determined contributions (INDCs) of Parties in the context of the 2015 agreement and (iii) a draft decision text on accelerating the implementation of enhanced pre-2020 climate action (referred to commonly as the 'pre-2020 ambition').

(The non-paper on the elements of the draft negotiating text and the INDCs draft decision text relate to work under workstream 1 on the 2015 agreement, while the draft decision text on the pre-2020 ambition relates to work under workstream 2).

Diverging views emerged over a draft decision text on INDCs. Two developing country groupings, the Like-minded Developing Countries (LMDC) and the African Group expressed concerns that the draft decision document was beyond the mandate of the Warsaw decision (held last year in December 2013). The mandate, they said, was to identify

the information that Parties will provide when they communicate their INDCs.

The LMDC noted that the INDC draft decision is not a text from the Parties and contained ideas and concepts such as "ex-ante or ex-post consultation, assessment or review" which were not part of the Warsaw mandate. It also expressed the view that the draft decision narrowed the scope of INDCs to only address the mitigation element.

The African Group expressed concerns that the Co-chairs' non-paper of the elements for a draft negotiating text for post-2015 agreement and the draft decision on INDCs. It was concerned over the differing status of the two documents where the INDCs are presented in the form of a draft text, whilst elements of the agreement are in a non-paper. It was also concerned that the INDC decision appeared to focus mainly on mitigation and was of the view that this should not be so.

However, the Least Developed Countries (LDCs) were of the view that the two documents were complementary and it will be beneficial if Parties continue to clarify their contributions and believed that the INDCs should primarily be mitigation-centric.

The European Union (EU), the Umbrella Group (UG) and the Environmental Integrity Group (EIG) supported the need for upfront information and ex-ante assessment process to build confidence in relation to the INDCs. The EU and the UG wanted the INDCs to be about mitigation.

On the Co-chairs' non-paper on elements for the 2015 agreement, there was an expression of support to use the paper as a starting point for negotiations, notwithstanding that it was 'not perfect'. Many developing countries groupings stressed that the six core elements identified in paragraph 5 of Decision 1/CP.17 (on mitigation,

adaptation, finance, technology transfer, capacity building, and transparency of action and support) should be addressed in a balanced and comprehensive manner through an open and transparent, inclusive, party-driven and consensus-building process.

President-designate of the 20th Conference of the Parties (COP20) in Lima, Peruvian Environment Minister Manuel Pulgar-Vidal in addressing the meeting at its opening, reminded Parties that the Bonn session was just 40 days ahead of the Lima COP. He said the world is not going to accept “our failure to fulfil the mandate” of previous COPs. He believed that Parties are not far from consensus and urged them to move discussions this week aiming for substantial results.

UNFCCC’s Executive-Secretary, Christiana Figueres reminded Parties that 144 ratifications are needed to bring the second commitment period (2CP) of the Kyoto Protocol (KP) into force and urged delegates to submit the necessary documents for ratification. Referring to the unprecedented public mobilization in New York in September this year and to the 160 countries who attended the UN Secretary-General’s Climate Summit, she said the eyes of the world are on the delegates to chart the path towards finding the solutions to address climate change. The path she said, must be nationally equitable and globally responsible and must provide a strong collaboration platform that ensures that no one is left behind; and must have clear markers in the near and long term.

The legal advisor of the UNFCCC Secretariat also made a presentation on the legal and institutional aspects of the 2015 Agreement, prepared at the request of the ADP Co-chairs. He said that the secretariat is well aware that the legal form of the 2015 agreement has not been conclusively determined. Consequently the three options – a protocol, another legal instrument and an agreed outcome with legal force - outlined in decision 1/CP.17 remain on the table. He said that a note on questions and answers that has been prepared in this regard addresses a number of legal and institutional issues that Parties will need to consider in the event that the 2015 agreement is to be adopted as a protocol under Article 17 of the Convention by addressing governance arrangements, institutional issues, final clauses and transitional arrangements. He said this does not prejudice the

form of the legal outcome of the 2015 agreement.

Bolivia speaking for the **G77 and China** said the October session should be focused on advancing the work that has to be completed by Lima with a clear plan of how the time will be distributed during this week. It appreciated the Co-chairs’ efforts to prepare the non-paper in the form of a bullet point compilation of Parties’ views and submissions. Although the non-paper on elements is not perfect, it could be a useful starting point for Parties to negotiate with each other in a formal and focused mode under the contact group and make substantial progress on further elaborating based on Parties’ inputs and collectively constructing the elements for a draft negotiating text in a manner that is open and transparent, inclusive, Party-driven and consensus-building.

The Group noted that although the technical expert meetings (TEMs) have provided some important information and inputs for the consideration of the Parties for the enhancement of pre-2020 ambition, particularly mobilising and providing finance, technology and capacity building under the Convention to developing country Parties to enable them to enhance their actions to implement the Convention and address climate change, they do not include sufficient information or inputs on how developed countries can more effectively implement their pre-2020 mitigation commitments and how the existing mechanisms and arrangements under the Convention can help to address the implementation gap of that pre 2020 period.

There is an urgent need to close the pre-2020 ambition gap. It expressed concerns about the lack of fulfilment of commitments by developed countries. In addressing this gap, the focus must not be limited to mitigation only but also address gaps relating to finance, technology and support for capacity-building. It emphasized that developed countries must take robust and ambitious mitigation commitments, with ambitious quantitative targets for limiting and reducing emissions, as required by science and mandated by the UNFCCC.

Developed countries, given their historical responsibility, have to take the lead in addressing the challenge of climate change in accordance with the principles and provisions of the UNFCCC particularly the principle of equity,

common but differentiated responsibilities and respective capabilities (CBDR-RC), and provide financial and technological support to developing countries in a transparent, adequate and predictable manner. Increasing pre-2020 ambition must be achieved inter alia the acceleration of the implementation of the 2CP of the KP and the outcomes of the Bali Action Plan in accordance with principles and provisions of the Convention, with developed country Parties taking the lead.

It also called developed country Parties and other Parties included in Annex I of the Convention to revisit their quantified economy-wide emission reduction targets under the Convention for the 2CP of the KP, with the aim of increasing such targets or commitments to at least 40% below 1990 levels by the year 2020 and adjusting, resolving or removing any conditions associated with their quantified economy-wide emission reduction targets.

Enhanced action and international cooperation on adaptation is urgently required to enable and support the implementation of adaptation actions aimed at reducing vulnerability and building resilience in developing countries, taking into account the urgent and immediate needs of those developing countries that are particularly vulnerable, it added.

The Group said the 2015 outcome needs to reflect a long-term vision that will ultimately help Parties in particular developing countries undertake adaptation, going beyond building resilience. It stressed that adaptation is an additional development burden and requires significant support from developed countries. In this context, it reiterated the need to scale up adaptation finance in accordance with provision and principles of the Convention, in particular Article 4.

Technology development and transfer from developed countries and Annex II Parties to developing countries is a key enabling element for ensuring enhanced mitigation and adaptation actions by developing countries. Effective and enhanced climate change actions by developing country Parties depend on the effective provision of support, including finance, for technology development and transfer from developed country Parties. A provision should be incorporated in the 2015 agreement to enhance action on the development and transfer of technologies and know-how, including

financing of transfer and access, and the removal of barriers.

The G77 said there is an urgent need to have a clear commitment of developed country Parties to provide at least USD70 billion per year by 2016 rising to USD100 billion per year by 2020 as a floor for accounting, and leading to further increased commitments on the provision of financial support for the post-2020 period. A clear roadmap, including targets, timelines and sources, is needed to ensure the scaling up the finance. The financial support should be primarily from public sources and only supplemented by private sources.

It stressed the need to operationalise what we have agreed regarding issues of adequacy, accessibility, predictability, sustainability, additionally and transparency of the provision of finance by developed countries. As a priority, the 2015 agreement shall reflect the need to finance adaptation and deal with the gaps in this regard while maintaining balanced support of both adaptation and mitigation. The Green Climate Fund (GCF) should be strengthened and anchored in the new agreement. The issue of early and full capitalization of GCF should be considered as a priority action to fulfill the pledges of the developed countries. Its initial capitalization should be immediate and at a very significant level.

The G77 said that the COP has acknowledged that loss and damage associated with the adverse effects of climate change includes, and in some cases exceeds, that which can be reduced by adaptation. Therefore, it called for the inclusion of the Warsaw International Mechanism for Loss and Damage associated with climate change impacts, established at COP19, in the 2015 agreed outcome, as an additional element of the 2015 agreement.

The G77 attached particular importance to the issue of the legal form of the 2015 agreement and therefore calls for a proper discussion in that regard. The elements identified in decision 1/CP.19, paragraph 2(a) namely mitigation, adaptation, finance, capacity building, development and transfer of technologies and transparency of action and support must be treated on an equal footing. The provisions of the 2015 agreement should focus on enhanced actions under these six core elements recognizing the importance of addressing loss and damage in the 2015 agreement.

Ecuador for the **LMDC** said as developing countries within whose borders live out 4 of every 5 of the world's poor who survive on less than \$2 a day, its member countries are among those that are particularly vulnerable to the adverse effects of climate change on our economies, our societies, and our sustainable development prospects for the future, as well as also being vulnerable to the adverse social and economic consequences of response measures. Hence, achieving a balanced, comprehensive, and ambitious outcome under the Convention towards addressing climate change effectively is of great importance. It expected significant progress at this session in: (i) fleshing out the elements for the draft negotiating text for the 2015 agreed outcome; (ii) identifying the information that Parties will provide when putting forward their contributions; and in (iii) accelerating the implementation of the Bali outcomes to enhance the pre-2020 ambition on mitigation, adaptation, finance and technology under workstream 2.

It also stressed that the process in the ADP must be open, transparent, inclusive, and Party-driven, and built on the consensus under which negotiating texts are collectively constructed by Parties based on their inputs and submissions. It called a formal negotiation among Parties in the contact group format, rather than have informal bilateral dialogues between different Parties and groups of Parties. The negotiations should be concentrated on the core tasks agreed by the Warsaw decision – elements and information – without overburdening the work by adding other issues outside the agreed tasks from Warsaw.

Ecuador said the non-paper on the 2015 elements can be a useful starting point for Parties to negotiate with each other in a formal and focused mode of work. It also stressed that the views expressed by Parties as well as any conference room papers that Parties may have put forward remain on the table during such negotiations. The questions to be discussed must be on basis of the concrete and specific issues under the six core elements raised by Parties, rather than another round of 'open questions' to be set in a pick-and-choose approach. The primary focus of the work of the ADP should be on the six core elements of the 2015 agreement in a balanced and equal manner, not merely mitigation focused.

It said that the preparation of INDCs is not an independent task, or another workstream or additional process beyond the existing workstreams under the ADP process. The INDCs is not an end but a means to achieve the end to adopting the 2015 agreement. The provisions of the 2015 agreement should focus on enhanced actions for the implementation of the Convention after 2020 and should not be merely an INDCs agreement. Therefore, the INDCs should be discussed within the context of elements, emphasised Ecuador. It noted that the draft decision on INDCs is not a text from the Parties and it contains ideas and concepts that do not reflect any consensus arising from Party-driven negotiations.

Ecuador stressed that the INDC text goes beyond the agreed task from Warsaw, which is only to identify the information that INDCs could contain. The theme of the draft outcome in Lima should be the information that Parties will provide when putting forward their INDCs and not the INDCs themselves or other issues such as an ex-ante consideration process related to INDCs, which are totally outside the agreed task from Warsaw. The Warsaw decision does not provide for expanding the discussion with respect to information to issues such as ex ante or ex post consultation, assessment or review or for narrowing the scope of INDCs only to mitigation. These should be properly discussed during the negotiations on elements. The LMDC have already put forward a draft decision text as a conference room paper on the information.

On workstream 2, it noted that there have been some ideas and inputs coming from the TEMs since the March session. It is necessary to conclude on the possible further arrangements of the TEMs. What is sorely lacking in this paper in its treatment of TEMs is what the Convention stresses on "facilitation of access to and financing transfer of technology." Everything related to mitigation in the Convention is only related to technology development and transfer, of knowledge, processes and practices. This must be the focus of any work on mitigation and energy efficiency in the ADP, said Ecuador.

However, the workplan on enhancing pre-2020 ambition does not merely include TEMs. There are other even more important issues relating to enhancing pre-2020 ambition that need to be discussed. These include accelerating the implementation of the provision by developed

countries of finance, technology and capacity building support to developing countries as part of the implementation of the Bali Action Plan outcome; the ratcheting up of mitigation ambition by Annex I Parties to at least 40% below 1990 level by 2020 through the Revisit Mechanism; and ensuring that the institutions and mechanisms that have already been set up under the Convention are made fully operational and effective in providing support to developing countries.

These key tasks, said Ecuador, have been set out in paragraphs 3 and 4 of the Warsaw decision. The operationalization of these paragraphs is an integral and essential part of the workplan on pre-2020 ambition. There should be enough time allocated in this session to further our work on these paragraphs of Warsaw decision. It wanted an outcome in workstream 2 that results in real action on the ground to accelerate the implementation of these issues rather than causing further delay in actual implementation or further backsliding from commitments under the Convention. It said that the Co-chairs' draft decision falls short in this regard.

Sudan representing the **African Group** expressed concerns over the non-paper (for elements) and draft decision (for INDCs). It was concerned over the differing status of the two documents where the INDCs are presented in the form of a draft text, whilst elements of the agreement are in a non-paper. It believed that a discussion on how to capture these two aspects of the mandate should precede discussions in this session. It called for an exploration of whether Parties need a single or two outcomes in Lima, and secondly whether these will be captured in the form of a decision or not.

On the non-paper on elements of the draft negotiating text, it said that despite some shortcomings in the substance, the paper does reflect the broad parameters and was happy to engage with other Parties and groups to deepen understanding of various concepts.

On the INDC draft decision, it said that it is important to have a discussion amongst Parties on defining information that will be provided by Parties on their INDCs. The African Group viewed the draft text with concern as it presents very precise expectations on mitigation, some optional language on adaptation, and no expectations on developed country Parties on finance, technology and capacity building, except

for information presented in the Annex. The Group reiterated its position that the 2015 Agreement will not be a mitigation agreement; it should cover all commitment elements of the UNFCCC. It said that some Parties suggest that the INDCs were conceived with mitigation in mind but its understanding is that the INDCs will address all the elements. The Group's experience from Warsaw is that the word 'contributions' sought to address an impasse on the discussion of commitments and actions, rather than a reference to mitigation.

Most African countries are in a better position to develop their adaptation rather than mitigation INDCs as informed by our experience in developing National Action Programme for Adaptation (NAPAs) by LDCs as well as the process of developing National Adaptation Plans (NAPs) in developing countries. It saw the adaptation INDC as presenting its planning efforts, its current and future adaptation needs and a voluntary recognition of past investments with a reciprocal communication of future support by developed countries. It also saw developed countries presenting their means of implementation (technology, finance and capacity building) for INDCs where they outline the extent, type and activities to be supported on the basis of agreed measurement, reporting and verification (MRV) of support guidelines as outlined in decision1/CP.19.

It stressed that the fundamental challenge on the pre-2020 ambition workstream is to turn the discussions into concrete and implementable measures by providing a clearer sense of direction through: directives by Parties (via the COP) to the operating entities of the financial mechanism of the Convention; directives to the broader institutions and mechanisms under the Convention to support integrated approaches to finance, technology and capacity building for the implementation of a global renewable energy partnership among Parties; and directives to Annex II Parties to scale up finance specifically for initiatives identified under workstream 2 including through levels of financial support to the GCF and also clear benchmarks for support towards the US\$100bil target by 2020 and to link the scale of mitigation ambition and the scale of financial support.

South Africa speaking for **BASIC** said the non-paper on the 2015 elements provided a good starting point for formal negotiations. It

highlighted the need for enhanced ambition, noting that delivery on existing commitments in the pre-2020 period by developed country Parties will contribute to the enhancement of trust and confidence that is indispensable for the successful conclusion of the 2015 agreement. In particular, it stressed the need for clearer indications from developed countries on meeting their commitment to provide US\$100 billion in climate finance per year by 2020 and beyond, in particular through meaningful and substantial contributions to the GCF. It welcomed the announcements made by some developed countries for the initial capitalisation of the GCF, and call on other developed countries to do likewise as soon as possible, but no later than the pledging session for the Fund's mobilisation in November 2014.

It believed that the Lima COP is an important milestone for the successful conclusion of the negotiation of the 2015 agreement, which requires the strengthening of the multilateral rules-based regime under the Convention, in order to enhance the full, effective and sustained implementation of the Convention and achieve its objective as stated in Article 2. As agreed at COP17 in Durban, the 2015 agreement should be in accordance with the principles, provisions and structure of the Convention, in particular the principles of equity and CBDR-RC.

It re-emphasised that developed countries should take the lead in addressing climate change in accordance with their historical responsibilities, the latest available scientific evidence on climate change trends and the IPCC's AR5.

It believed that the 2015 agreement must provide an inclusive, equitable and effective framework within which Parties can put forward their contributions to keep the world on a path to limiting the increase in average global temperatures to below 2 degrees Celsius. In this regard, the agreement should allow Parties to progressively enhance their contributions, without providing for regression on existing commitment.

It said that the INDCs must cover mitigation, adaptation, finance, technology development and transfer and capacity-building, in line with Parties' respective commitments under the Convention. It emphasised that the information that Parties will provide when putting forwards their INDCs would also need to be accordingly differentiated between the developed and

developing countries in accordance with Article 12 of the Convention. It further stressed that the purpose of such information is to facilitate the clarity, transparency and understanding of the INDCs in accordance with the Warsaw decision.

South Africa said that adaptation is an issue which requires a global response and is as important as mitigation, and all elements in paragraph 5, decision 1/CP.17 should be treated in a balanced manner in the 2015 agreement. National Adaptation Plans (NAPs) could be the basis for Parties' adaptation INDCs. Investment in adaptation by developing countries would represent an adaptation contribution.

The 2015 agreement must establish a clear link between the actions by developing countries to contribute to effectively addressing the climate change challenge and the scale of finance, technology and capacity-building support required by them for implementation. It is important that the 2015 agreement give effect to the principles of equity and CBDR&RC through implementation of provisions of the Convention that reflect Parties' common and differentiated commitments, related to mitigation, adaptation, finance, technology transfer and capacity building.

Regarding the pre-2020 ambition, it reiterated that the KP remained the essential and legally binding basis for addressing pre-2020 mitigation ambition. It called for the expeditious ratification of the 2CP of the KP and emphasised the importance of revisiting and significantly increasing ambition in 2014 and in line with what is required by science, and comparable pledges in the same timeframe by those Annex I Parties, who have not participated in the 2CP. It was concerned about the low level of mitigation ambition of developed countries and called for necessary arrangements to be made for the 2014 Revisit for increasing the emission reduction targets by all developed country parties.

It noted with concern that the pre-2020 ambition gaps exist not only in mitigation but also in adaptation and finance, technology and capacity-building support to developing countries. It stressed that the contribution of developing countries to mitigation efforts is far greater than that of developed countries and could be further enhanced if developed countries effectively implement and significantly increase their commitments of providing finance, technology and capacity building support to developing

countries. It also said that paragraphs 3 and 4 of the Warsaw decision are integral and essential part of the work under workstream 2.

Nauru, representing the **Alliance of Small Island States (AOSIS)** said adaptation is absolutely critical. Loss and damage must be included as a central element of the 2015 agreement, one that is distinct and separate from adaptation. The loss and damage mechanism should have technical and financial functions to support vulnerable SIDS and LDCs in addressing the direct impacts of climate change with a governance body that includes representation of SIDS. It said the 2015 agreement must be legally binding protocol under the Convention and applicable to all. Ambition should be in line with delivering a long term global goal of limiting temperature increase to below 1.5C and need to consider at this session ways to ensure this. The identification of the information needed to allow Parties to present their INDCs in a manner that facilitates clarity, transparency, and allows consideration of the long-term goal.

The new agreement should also address the gaps of the current climate finance architecture and flows, including the shortage of funding for concrete adaptation in most vulnerable countries and the barriers to access resources for those capacity-constrained countries. Both public and private flows towards low-emission and climate-resilient sustainable development have to be scaled-up urgently and different types of financing should be used and prioritised for different activities.

There is also a need for political discussions on paragraphs 3 and 4 of the Warsaw decision. It is incumbent on developed countries to take the lead in addressing climate change by raising the ambition of their 2020 commitments, and with regard to KP parties, ratifying the Doha Amendment to Kyoto Protocol. In addition, Parties must fully implement the agreed outcome of the Bali Action Plan, particularly through immediate action by developed countries to enhance the delivery of finance, technology transfer and development, and capacity building.

Representing the **LDCs**, **Nepal** said Parties should advance the draft negotiating text although some elements required further elaboration and the next step is to organise the elements in an appropriate format. It said progressing discussion on INDCs and requests

for information on the scope and legal form is of paramount importance to the group, adding that it would be beneficial if Parties continue to clarify their contribution. It said the LDCs are of the view that the non-paper and the draft decision on INDCs are complementary and believed that INDCs should primarily focus on mitigation.

Speaking for **ALBA (with Argentina and El Salvador)** also associating with the statement, **Venezuela** said mitigation, adaptation, finance, technological development and transfer, capacity building and transparency of actions and support should be at the heart of the 2016 agreement and they cannot be sidestepped or avoided as Parties discuss the legal nature of the treaty. It suggested having the non-paper be put up on the screen and to begin discussions.

Saudi Arabia for the **Arab Group** urged for transparency and clarity in the discussions on all elements without stepping out of the mandate by focusing on other issues. It said Parties should work in a logical sequence first by agreeing to the six core elements before agreeing on the information for the INDCs. On finance, it said the Group has concerns that the financial pledges do not reach the minimum requirement to deal with the needs of mitigation and adaptation. It was also concerned that developed countries are putting more conditions on developing countries for accessing the GCF.

Belize speaking for the **Central American Integration System (SICA)** supported the call for discussions on the legal implications of the 2015 agreement. On INDCs, it stressed the need for balanced treatment of all the elements of the ADP mandate in accordance with the Convention's principles, provisions and relevant COP decisions.

Costa Rica for the **Independent Association for Latin America and Caribbean (AILAC)** urged Parties to consider ideas for the new agreement that allows for progressive increase of ambition over time without requiring new rounds of negotiations or ratification.

The European Union said it expected all Parties including major and emerging economies to come forward with their INDCs by early 2015 and adopt a decision in Lima to ensure comparable commitments. The decision, it said, should provide for an international process to consider and analyse the INDCs presented, to

take stock of the aggregate level of ambition in relation to the 2C objective and which also allows Parties to present why their contributions are ambitious and fair. It said that the INDCs should be quantifiable, transparent and comparable as to the mitigation contribution. It called for particular focus on the role of INDCs in the operationalization of CBDR-RC; on MRV, cycle for regularly strengthening mitigation by all Parties. While welcoming the non-paper on the 2015 agreement, it said a number of EU positions were not reflected. It however saw the beginning of convergence of views from recent meetings and submissions by Parties. It also called for a simple and concise document in this regard.

Australia speaking for the **Umbrella Group** said the first priority to advance work is for Parties to prepare clear, quantifiable contributions and to clarify those contributions to aid understanding well in advance of Paris COP. It saw upfront information and ex-ante assessment as process to build confidence and to

fulfil the Convention's overall objective of reducing emissions. The TEMs showed that countries can build enabling environments and focus on cooperation of the international, sub-national and private sector together. It also said the ADP must build a common legal platform taking into account national differences and promoting efforts for each country's circumstances but not to perpetuate a divided world view (referring to Annex 1 and Non-annex 1 differentiation).

Representing the **EIG, Switzerland** said it was ready to work on the draft texts and supported having a decision on INDCs here in Bonn. It also supported a multilateral process on INDCs starting from the first quarter of 2015 that is facilitative, non-intrusive and non-punitive and based on CBDR-RC. Each Party's INDC is part of a collective global effort to combat climate change and should allow for clarification to enhance the 2C goal and for cooperation to close the gap.