

Developing countries call for text based negotiations at ADP stock-take

Bonn, 24 Oct (Hilary Chiew) – Many developing countries expressed concern over the lack of progress in the contact group of the Ad Hoc Working Group on the Durban Platform for Enhanced Actions (ADP) in drafting the elements for an outcome text at the UNFCCC's Conference of Parties (COP20) in Lima in December this year.

The **Like-minded Developing Countries (LMDC)** asked when actual negotiations can start with texts on the screen for Parties to negotiate. Three individual members of the group – **Egypt, Ecuador and Nicaragua** – also posed the same question from the floor.

Developed countries, meanwhile, are generally satisfied with the process that 'helps deepen understanding' of Parties' positions and registered their trust in the Co-Chairs' guidance with some among them, nevertheless, acknowledging that progress has been slow.

These statements were made at the stock-taking exercise chaired by the ADP Co-chair Artur Runge-Metzger (the European Union) at the end of the fourth day (23 October) of the contact group meeting of the ADP. The ADP meeting is taking place on 20 to 25 October.

However, Co-chair Runge-Metzger replied that, "as soon as all Parties agreed on how to proceed, if people say yes, then we are ready to go but we have not heard that yet".

To this, Ecuador asked: "Can I, through you, ask all the Parties who are against proceeding with text to state their reasons and indicate when we can begin with this procedure?" There was however no response from any developed country in this regard.

At the outset, Co-chair Runge-Metzger said the two draft decisions on the intended nationally determined contributions (INDCs) and that on the pre-2020 ambition will be reworked and will most likely be presented to Parties by late afternoon of Friday (24 October). He was unsure if Parties would have time to discuss them here in Bonn as that would depend on how fast Parties will move on remaining issues (on the agenda). He said "our ambition" to finalise the two decision texts is probably no longer possible but hope that in Lima, Parties will be able to make further iterations.

Over the last four days, Parties had engaged in discussions on the non-paper which is a compilation of views and proposals by Parties from the ADP session in June in bullet-point format, that contains elements for a draft negotiating text. So far, only adaptation and finance were covered but the remaining four elements i.e. mitigation, technology development and transfer, capacity building and transparency of action and support had yet to be discussed. (Parties were informed on Friday, 24 Oct that these will be discussed in the remaining two days). Parties also deliberated on the draft decision on INDCs and engaged in the Technical Expert Meeting under the ADP workstream 2.

The Co-Chairs encouraged Parties to continue their discussions in an informal setting for both the elements of adaptation and finance. So far, the adaptation informal group, coordinated by Bolivia and France, had met once on 23 October. It will continue to meet on 24 October too.

Co-chair Runge-Metzger also proposed two additional meetings for the ADP next year, one either in late February or early March and the other in the second half of 2015. He invited

Parties to share their views on the proposed organization of work.

Bolivia speaking for the G77 and China said although the last few days had provided the opportunity to understand Parties' positions, it was concerned with the lack of progress in drafting elements of the 2015 agreement while taking note of the informal dialogues. However, in the following two days, "we must ensure the dialogues are done in a transparent and consensus-building manner and ensure that the informal groups focus on key issues raised," said Bolivia. It said the informal groups can deal with drafting some elements in a constructive manner to help with achieving success in Lima and Paris.

It further said there are three core tasks for the remaining days in Bonn – negotiation on all the elements for a draft negotiating text, identifying information for the INDCs and accelerating pre-2020 ambition – which are to be done under the contact group. They should be collectively constructed by Parties in an objective, inclusive, comprehensive and Party-driven manner through direct negotiation on the road to Lima in order to advance a draft text with all elements in a balanced manner.

It stressed that the success of the agreement depends on the further elaboration of the six core elements in paragraph 5 of the Durban decision. It said it is crucial for the Lima COP to progress in identifying the information to be presented and to accelerate the work on the pre-2020 ambition. On the latter, it said the follow-up work to the Technical Expert Meetings (TEMs) and acceleration of work under paragraph 3, 4, 5a and 5b of decision 1/CP.19 should be built in the draft decision as a matter of urgency and priority and that the work of workstream 2 has to continue until the pre-2020 gap is closed.

On the provision of finance, Bolivia reiterated that it has to be in accordance to the principles and provisions of the Convention and viewed it as critical for having an ambitious outcome. It urged Parties to undertake adaptation efforts in their respective INDCs.

Egypt speaking for the LMDC reminded that Parties are looking for an outcome that moves us farther down the road to effective global climate action under the Convention in a way that enables us to adapt effectively, ensure food security for our peoples, and promotes our right

to sustainable development. This outcome is a protocol, other legal instrument, or agreed outcome with legal force under the Convention that reflects all the elements of mitigation, adaptation, finance, technology, capacity building, and transparency of action and support in a balanced, comprehensive and ambitious way.

It was concerned about what developed countries were saying these past few days. "We hear them talk essentially about standing still or lessening their mitigation ambition both pre- and post-2020. We hear them call on developing countries to do more on mitigation and adaptation, but without committing to provide the means of implementation to developing countries at the scale and manner that is required under the Convention. It seems they are looking for a least-effort and unambitious outcome in Lima and Paris that is only about mitigation. To us, this is not an outcome that can effectively deal with climate change and will result in the dismantling of the basis for international cooperation on climate change under the Convention," said Egypt.

"Our greatest priority at Lima is to start making substantial progress on the elaboration of the elements and producing the negotiating text to achieve success in Lima and Paris on the 2015 outcome. We must stress that the elements are those agreed to under the Durban mandate and do not include items such as cycles or long-term mitigation," it said.

On the information to be agreed by Lima, Egypt said the focus should be on the information to be provided in the INDCs, as mandated in Warsaw. The ADP should focus on identifying the up-front information needed with respect to the various elements. This will give Parties a common understanding of the information that could be put in their INDCs according to the elements of the 2015 agreed outcome. The introduction of issues such as ex ante review processes and limiting INDCs to only mitigation politicises this technical exercise and will make it difficult for to reach agreement in Lima. "We cannot keep on discussing INDCs as if it is a workstream of the ADP separate from workstream 1," added Egypt.

"The next steps on this issue of information should be for Parties to look at and agree on the information that would be asked of Parties such as those contained in the annex to our (LMDC) CRP on INDCs. Spin-off drafting groups of

Parties could then be set up to finalize the identified information. Once the information for each element has been identified, this can be captured in the form of ADP conclusions rather than a COP decision. We should avoid any decision from the COP that will hamper or prejudice the way in which Parties are preparing their INDCs and the information that they wish to provide,” it added further.

“On the pre-2020 ambition, the follow-up arrangements on accelerating implementation and operationalization of the paragraphs 3 and 4 of the Warsaw decision should be dealt with as a matter of urgency and priority. We have suggested, in particular, putting in place in the ADP an accelerated implementation mechanism for this purpose to trigger enhanced pre-2020 action,” said Egypt.

“We are also concerned about the process we have been using in this contact group. We have been saying since March that we want to start negotiating on draft texts put forward by Parties, and not any other, through this Contact Group. We have therefore proactively and constructively put forward three CRPs – one on elements, another one on the information, and one on workstream 2. We invite other Parties to put forward their own draft negotiating texts as conference room papers and to engage with us directly on these texts,” it said further.

“We want to directly negotiate with other Parties and start drafting the outcome texts for Lima in a collective and constructive manner. The time for conceptual, brainstorming-type discussions is over. Action now is what is needed. Through such negotiations, we can narrow differences, find convergence, and arrive at a collectively constructed consensus in Lima, first on the elements and then on the information and workstream 2. All other modalities make a sham of consensus-building, and put having a good outcome in Lima in danger.”

It added that, “convergence and consensus have to be negotiated by the Parties, not simply declared into being. We are all looking for a landing zone by 2015 to bring the ADP safely to the ground. What better landing zone can there be than to abide by the one treaty that binds us all, the Convention?”

It said further that there are various ways in which Parties can directly negotiate with each other on collectively constructing the text, such as putting

forward their respective CRPs or putting up texts on the screen for all to see and negotiate upon. “We would be able to work on further iterations of your texts only if there are Parties that would table your text as their own. The COP’s rules of procedure as applied to the ADP do not allow the Co-Chairs to exercise the rights of Parties and table texts, as you are both well aware. The Contact Group could also create spin-off drafting groups of Parties with clear mandates and focused on addressing issues identified and raised by Parties and which need to be settled among them. This is the most pragmatic and practical way to secure a successful and comprehensive outcome on the ADP in Lima,” stressed Egypt.

“We can live with something that we have collectively worked on and negotiated together with other Parties, but not with something that has simply been handed down to us without the benefit of actual intergovernmental negotiations,” it said further.

“We are ready to negotiate. Our CRPs are on the table. When we get to Lima, we expect to enter immediately into textual drafting mode on the elements on the basis of draft texts put forward by Parties, either in the contact group or through spin-off drafting groups for various elements. We remain committed to working with you and other Parties to make this session constructive and productive in laying a solid foundation for Lima. We have a question for you, Co-Chairs. When will we start actual negotiations, with texts on the screen for Parties to negotiate on”, Egypt asked.

Nauru for the Alliance of Small Island States (AOSIS) welcomed the constructive discussion in the TEMs under workstream 2 and looked forward to further elaborate tomorrow (25 October) and the CRP tabled by the LMDC. It welcomed the rich exchanges on the elements of the agreement and see convergence in some issues. Regarding informal groups, it said as the AOSIS delegations are small, the creation of too many parallel groups will make it difficult. It supported the additional meeting for early next year. It also asked the Co-Chairs what are the options they are considering for reflecting the progress made at this session.

Sudan representing the African Group said for workstream 1, it is necessary to clarify the collective intention or outcome for Lima that will include the substantive scope and it believed that

Lima should result in a single outcome as per the mandate of decision 1/CP.1 and faithfully captured in the chapeau of decision 1/CP.19.

It stressed that there is no agreement to a decision for INDCs in Lima. It noted that there is push back on the specific guidance from Warsaw decision with proposal for an asymmetric 2015 agreement that focuses on mitigation to the exclusion of other elements. It was concerned with suggestions that finance not to be included as a legally-binding element in the agreement but addressed through political understanding and Parties reluctant to undertake progress. On information for the INDCs, it said the different information to be provided by Annex I and non-Annex I and potential flexibility for poorer groups needs to be explored. The scope of information for INDCs must address mitigation, adaptation, finance, technology transfer and capacity building and should not be solely mitigation focus.

Nepal speaking for the Least Developed Countries (LDCs) said even though Parties were not able to keep to the planned schedule (to discuss all the elements), but discussions so far has enriched our understanding of one another's positions. It believed that we should progress in advancing the draft text on INDC and remaining elements of the agreement, adding that parallel progress in these two areas are complementary. It welcomed the first discussion in informal group on adaptation to bridge divergences and would like clarity on how the discussion will be embedded in formal negotiation. It said the TEMs have been useful in identifying appropriate policies and options with high mitigation potential and removal of barriers but would need to move beyond the technical level.

It also said developed countries must close the pre-2020 emission gap and the current situation is not at all encouraging, noting that workstream 2 is critical for building trust that will help move discussion under workstream 1.

Costa Rica representing the Independent Alliance of Latin America and the Caribbean (AILAC) appreciated the transparent and inclusive manner of the discussion to deepen understanding but also noted the urgency to focus negotiation on proposals put by the Co-Chairs and Parties. It said the informal dialogue on adaptation is a step towards convergence and is guiding us to a more focused text-based negotiation. Parties recognized substantial

fundamental issues but are happy to see openness to identify compromises. It noted that "full convergence is not where we are yet but it saw opportunity for a successful outcome" and it trusted the Co-Chairs to guide Parties.

Australia representing the Umbrella Group said discussions have been encouraging while noting that other elements are still pending. It said the non-paper on the elements was useful to capture the views of Parties but the task is where the ideas overlapped or generate new ideas. It welcomed the informal group and that work in workstream 2 remains to ensure the TEM catalyses actions. It trusted the Co-Chairs to guide Parties in generating concise and focus elements based on submissions made by the full range of Parties and groups. It supported the additional session in early 2015.

The **European Union** said it is encouraged by the discussions though we need to urgently make progress on a decision on INDCs including upfront information, ratcheting up ambition before Lima and further elaborating on the draft decision text.

It said there is a great deal of support for reaching agreement in Lima for INDCs to make them transparent and quantifiable, and nobody disagree that INDCs will be in line with national circumstances. There must be a process before COP21 in Paris to continue analysis of INDCs and differences remain on whether finance should be part of the INDCs. It will support the new version of text in Bonn as it is essential to reach decision on INDCs in Lima. On TEM, it said the work should continue beyond 2020.

The EU also said the non-paper is an attempt to capture a range of elements but do not think that it can serve as a negotiation document. It welcomed the informal groups that will allow Parties to dwell deeper into the issues and find common ground.

Representing the Environmental Integrity Group, Switzerland agreed that the process has been slow but discussions were rich and deep. We did learn a lot from each other, it said, adding that it looked forward to the Co-chair's revised draft decision to be ready by Friday (24 October) noon. It supported the additional session early next year and sees the benefit of planning beyond June that would be helpful in organizing the process.

Bolivia's Juan Hoffmaister provided an update on the informal group on adaptation. He said conversation was around the global goal on adaptation, commitment and contribution, and institutional arrangement. Discussion was rich, interactive and detailed but the informal group only managed the first topic. There are still many divergences in views but found convergence on a particular proposal and Parties would want to continue the discussion.

In conclusion, co-Chair Rugne-Metzger said as there are still some elements (on the draft negotiating text) that had yet to be dealt with, the suggestion to put text on the screen for negotiation is not possible. He said Parties will discuss workstream 2 particularly with a CRP document (issued by the LMDC) first thing tomorrow (Friday, 24 October). He also needs to streamline the non-paper with better reflection of the views of Parties, noting that he would not claim that the Co-Chairs will be 100% correct as what they heard sometime is ambiguous. He also

wanted to give delegates time to discuss adaptation and finance at length and a lot will depend on progress made in the remaining days.

Ahead of Lima, he said there will be a pre-session note and as the agenda in Lima will be crowded, we would need to limit intervention for those things that need to be discussed. He cannot see moving forward in Lima with another round of INDC and workstream 2 discussions without having some texts on the table.

The **Holy See** (an observer) said negotiations must respect the framework that we are one human family and countries must not repeat the errors by others or by themselves. It said addressing climate change is an issue of justice and Parties must recognise their common but differentiated responsibilities. It also stressed that the agreement must be based on distributive justice and reparatory justice.+