

## **Developing countries warn against 'take-it or leave it' texts**

Bonn, 27 Oct. (Indrajit Bose) - Developing countries, at the closing plenary of the UNFCCC's Ad Hoc Working Group on the Durban Platform (ADP) held on 25 October in Bonn, Germany, warned against having draft decision texts at the forthcoming meeting in Lima, Peru, later this year, on a "take it or leave it" basis.

They were also opposed to having last minute "huddles" to resolve issues on the negotiating texts (as has happened in the past) "due to the lack of interactions in previous sessions among Parties".

These views were expressed by **Bolivia**, on behalf of the **G77 and China**. Stressing the need for clarity on the way ahead, it said the format of the future sessions of the ADP has to be modified. It called for "focused groups to be established to enter into formal Party-driven negotiations".

Supporting the G77 and China, **Ecuador** for the **Like-minded Developing Countries (LMDC)** said that it wished "to negotiate with our partners with dignity and respect in order to achieve consensus". It stressed that it "will not accept being made, due to a mismanaged process, to press around each other in an undemocratic, non-inclusive, and non-transparent 'huddle' at the last hours and minutes of the COP (meeting of the Conference of Parties) just to finalize a decision. We will not accept a situation in which we are forced to 'take it or leave it' an outcome text that we have not negotiated upon, whether in Lima or Paris (in 2015)."

Ecuador expressed dissatisfaction over the recently concluded ADP session in Bonn (20-25 October), saying that valuable negotiating time

was lost with more open-ended discussions in the contact group instead of undertaking direct negotiations among the Parties on drafting text. "This leaves us very concerned about how you plan to organize our work in Lima," it said.

Calling for the process to change from the very first day in Lima, Ecuador said, "We expect to see the contact group start direct negotiations among the Parties. We want to see draft texts from Parties on screen, on paper, being directly negotiated by the Parties with each other, in order to narrow differences, find convergence and achieve consensus".

**South Africa**, speaking for the **BASIC** countries (**Brazil, South Africa, India and China**), said it could not "continue with the current mode of engagement". It called for work to begin in more focused groups and asked of the Co-Chairs to appoint facilitators for such groups. **Saudi Arabia** for the **Arab Group** also called for a change in the method of work in Lima so that negotiations could begin on the basis of negotiating texts that are based on drafts presented by Parties and not the Co-Chairs. **Sudan**, for the **African Group**, also supported the launch of "spin-off groups" to deal with the elements of the draft negotiating text for the 2015 agreement.

**Australia** and **Russia**, in response to the calls by developing countries, were opposed to having the focused groups and preferred to continue discussions in the same setting as in the Bonn session in the contact group.

The final plenary held on 25 October was co-chaired by Artur Runge-Metzger (EU) and Kishan Kumarsingh (Trinidad and Tobago). The ADP Co-Chairs had on 24 October issued two draft decision texts at the Bonn session on

‘information on intended nationally determined contributions (INDCs) in the context of the 2015 agreement’ and on ‘accelerating the implementation of enhanced pre-2020 climate action’. (The draft decision text on INDCs relates to work under the ADP workstream 1 on the 2015 agreement that is expected to enter into force by 2020, while the one on enhancing pre-2020 action relates to work under workstream 2.)

The Co-Chairs, during the plenary session, also informed Parties that they will issue a ‘reflection note’ based on the discussions at the Bonn session, and provide an updated non-paper on the elements of the 2015 agreement. They will also issue a scenario note “to assist” Parties for the Lima COP. When Runge-Metzger announced that the ADP session was suspended, the G77 and China and the LMDC requested the floor to express their views.

Speaking for **G77 and China, Bolivia** called for negotiations in a formal mode around the three core tasks for Lima: elaboration of elements of the agreement, identification of information for INDCs, and accelerating pre-2020 ambition. It said negotiating in formal and focused mode around these three tasks and in full accordance with the mandate from Durban is crucial. It stressed that the text of the Lima outcome should be collectively constructed by Parties, based on the inputs of Parties that reflect the various views in a balanced, objective, inclusive and comprehensive and Party-driven manner.

Referring to the Co-chairs’ draft text relating to the INDCs, Bolivia said that it lacks the central elements that are part of the principles and provisions of the Convention – equity and common but differentiated responsibilities and respective capabilities (CBDR-RC). These elements have been removed from the second version of the draft text. This sends a signal that the documents produced by the Co-Chairs are not balanced and falls short of reflecting the positions of all the Parties. The Co-Chairs should facilitate the negotiations and identify areas of convergence in a balanced manner and promote negotiations among Parties, it said, adding that the draft decision did not reflect other constructive proposals by Parties either.

Bolivia called for the need for clarity on the way ahead and warned against a situation in Lima where Parties are faced with a “take it or leave it” approach (where negotiating texts are imposed on Parties) or delegates would have resort “to

huddles” in the last minute to resolve issues, due to lack of interactions in previous sessions among Parties. “We have to modify the dynamic and the format of the (ADP) sessions. There is huge political pressure from civil society to find solutions,” it added further.

Bolivia stressed the need to begin a process from a text that allows negotiations, and to have a clear idea of the organization of work in Lima, to accomplish the agreed tasks of Warsaw (COP in 2013). It also called for focused groups to be established to enter into formal Party-driven negotiations to form a draft text comprising all the core elements of the agreement based on collective inputs from Parties in accordance with paragraph 5 of Durban decision. “We need a draft negotiating text on all the elements of ADP. INDCs must promote enhanced actions in accordance with equity and CBDR-RC. Also, the draft decision must be collectively constructed by Parties based on the inputs by Parties,” it said.

Speaking for the **LMDC, Ecuador** expressed dissatisfaction about the process of the contact group, adding that instead of undertaking direct negotiations among the Parties on drafting text, Parties lost valuable negotiating time with more open-ended discussions. “This leaves us very concerned about how you plan to organize our work in Lima,” it said to the Co-Chairs. Calling for the process to change from the very first day in Lima, Ecuador said, “We expect to see the contact group start direct negotiations among the Parties. We want to see draft texts from Parties on screen, on paper, being directly negotiated by the Parties with each other, in order to narrow differences, find convergence, and achieve consensus,” it said.

It called for focused open-ended groups of Parties to work on drafting and concluding texts with clear mandates. It wanted these groups to be co-facilitated in a balanced way by developed and developing country delegates selected by the Parties themselves, and focused on addressing issues identified and raised by Parties and which need to be settled among themselves. Draft texts can come only from Parties and have legal standing as a negotiating basis when they are submitted as CRPs (conference room papers).

“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,” it said. Ecuador also said that it expected “a shift in the mode of our work in the contact group to a formal and

direct negotiating mode among the Parties through elements-focused drafting groups from day 1 in Lima. We do not want to lose more time.”

“Convergence and consensus cannot simply be declared into being; these have to be negotiated. As a Party-driven process, it is up to Parties to discover and decide through direct negotiations where areas of convergence exist and consensus can be achieved,” stressed Ecuador. It expected the Co-Chairs to facilitate the negotiations by accurately reflecting all Parties’ views rather than exercising their own judgment on where convergence and consensus may lie.

It also said that it “could live with something that Parties have collectively worked on and negotiated together with other Parties, but not with something that has simply been handed down to them without the benefit of actual intergovernmental negotiations. Such negotiations must take place, to ensure that Lima and Paris will achieve balanced, comprehensive and consensus-based outcomes.”

“Under the Convention, Parties have to actively make a decision by consensus, rather than assume that a decision is adopted unless Parties have a consensus to reject it,” emphasized Ecuador further.

“The urgency of climate change and the long-term impacts of the decisions that we are to take in this process on our economies and societies demand that we negotiate in good faith, with full knowledge, transparency, and inclusiveness,” it added.

Ecuador reminded the Co-Chairs that Parties represent sovereign states. “We wish to negotiate with our partners with dignity and respect in order to achieve consensus. We will not accept being made, due to a mismanaged process, to press around each other in an undemocratic, non-inclusive, and non-transparent ‘huddle’ at the last hours and minutes of the COP just to finalize a decision. We will not accept a situation in which we are forced to consider on a take it or leave it basis an outcome text that we have not negotiated upon, whether in Lima or Paris. This is our responsibility as the representatives of our peoples,” it said. “Our CRPs are on the table. We are ready to negotiate,” it added.

Speaking for **Brazil, South Africa, India, China (BASIC), South Africa** said that a standalone decision on INDCs would not help

reach an outcome in Paris in 2015. It referred to the Co-Chairs’ draft text as unbalanced and said that selective information had been presented. It also expressed disappointment over discussion on the elements of the 2015 agreement and said not enough progress had been made. “Our expectation was we will have the first reading of the non-paper in this session. The mode of work was not conducive to capture emerging consensus or common ground,” it said.

South Africa expected to finalise the elements of the draft negotiating text. “It is clear we cannot continue with the current mode of engagement,” and called for work to begin in more focused groups. It asked the Co-Chairs to appoint facilitators for such groups. The mandate for the focused groups should be to produce elements of the draft negotiations text, the basis of which would be the Co-Chairs’ non-paper. It expected the Co-Chairs to update the non-paper and structure it to suit focused group discussions. “The BASIC countries do not agree with deleting any of the proposals so far as we have not had a first reading of the non-paper,” it said, and added that “time was not on our side.”

Speaking for the **Arab Group, Saudi Arabia** expressed concerns that the ADP had made no progress despite three meetings held in 2014 and was unable to begin serious negotiations in compliance with decisions adopted in Warsaw. It called for change in the method of work in Lima so that negotiations could begin on the basis of negotiating texts based on drafts presented by the Parties and not from the Co-Chairs. It supported the idea of focused groups to produce the elements. Draft texts prepared by the Co-Chairs should not be presented at the last minute, it said.

Speaking for the **African Group, Sudan** expressed disappointment with the Co-Chairs’ INDC text since it did not at all reflect the Group’s concerns. “We would not be able to engage with this text as the basis of negotiations in Lima.” It supported an iteration of the paper to reflect balance to avoid protracted procedural discussions in Lima.

On the Co-Chairs’ non-paper, the African Group registered their disappointment in the position and form of the paper. It proposed and supported the launch of spin-off groups to deal with the elements paper for text-based negotiations with the Co-Chairs facilitating Parties. On how Parties should take work on

elements and INDCs together, it said that it was not aware of a separate mandate for a decision on INDCs alone. The outcome of workstream 1 must be addressed through a single unified decision of all elements of the 2015 agreement and INDCs together, it said. On the draft text on workstream 2 by the Co-Chairs, it said it would provide specific textual suggestions to the draft.

Speaking for **Least Developed Countries (LDCs)**, **Nepal** said Parties had understood each other better during the Bonn session and started to arrive at middle ground. It called for the consideration of elements of the draft negotiating text in Lima. It called on Parties to move into negotiations mode of work without delay. It looked forward to the revised version of the elements text, which would “streamline options”. The LDCs reiterated that more focused discussion on elements is necessary and stressed that since all elements of the agreement are of “equal importance”, they need proper and balanced treatment.

Speaking for **Independent Alliance of Latin America and the Caribbean (AILAC)**, **Costa Rica** said that although it found the method of work useful to Parties, it needed to move to a mode of work that allows more detailed exchanges. It said that Parties would need to find more points of convergence to ensure that the 2015 agreement will truly be applicable and appropriate for everyone.

The **European Union** supported the Co-Chairs’ proposal on the way forward.

Speaking for **Environment Integrity Group (EIG)**, **Switzerland** said progress had been slow not because of the Co-Chairs but because of Parties. It looked forward to the documents the Co-Chairs plan to prepare and is confident that these would provide a “good basis” to advance work.

**Australia** spoke for the **Umbrella group** and appreciated the Co-Chairs’ handling of the session in a “business like and professional” manner. It also welcomed the Co-Chairs’ revised text on INDCs and the pre-2020 ambition. It would like to see further iterations of the Co-Chairs’ non-paper on areas “where there is likely to be convergence”.

On the idea of break-out groups proposed by (developing country) Parties, Australia spoke in its national capacity and disagreed with the approach. It is difficult to break out at this stage, it said, since Parties had not had an overall conversation on the form of the legal outcome, which would bring out the interrelationships on the elements.

The **Russian Federation** was not in favour of spin-off groups and wanted discussions to continue in the existing setting.

Following these interventions, Co-Chair Runge-Metzger said that it was helpful to get some impressions from Parties and that the Co-Chairs would reflect on these. The ADP session was then suspended and will meet next during the COP in Lima from 1-12 December. +