

## ADP Co-chairs to produce concise text 24 July for substantive negotiations

Bonn, 12 June (Indrajit Bose and Meena Raman) – On the last day of the climate change talks held in Bonn from 1 to 11 June, developing countries reflected that modest progress had been made under the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) and welcomed the proposal by the Co-chairs to produce on 24 July, a more streamlined, concise and consolidated text to allow for substantive negotiations which will begin late August.

The ADP convened in the afternoon of 11 June a contact group that was followed by a short closing plenary. In a note prepared for the information of Parties (posted on the UNFCCC website and referred to in the final session of the ADP), the Co-chairs, Ahmed Djoghla (Algeria) and Daniel Reifsnyder (USA) made known their suggestions on the way forward for the preparations of the next ADP session to be held end of August in Bonn. Parties reflected on the Co-chairs note and made their views known.

The Co-chairs informed Parties that the Geneva Negotiating Text (GNT) is the only official document before the ADP until it is withdrawn by Parties at the 21<sup>st</sup> meeting of the Conference of Parties in Paris in December (COP 21). “All the documents issued during ADP 2.9 (the recent Bonn session), as well as during future ADP sessions, will continue to be non-papers and will hold no status, as they are simply tools to assist Parties to fulfil the ADP mandate successfully.”

They stated further that the outputs of the Bonn session are the following non-papers:

- (i) a revised streamlined and consolidated text (dated 11 June 2015), and (ii) a working document (also dated 11 June 2015).

(The revised consolidated text is 85 pages long, containing both the streamlined paragraphs and the non-streamlined paragraphs of the GNT. The working document contains the streamlined paragraphs of the Geneva text as well as the observations of Parties).

Responding to the call by Parties for the Co-chairs to produce a streamlined and consolidated text to accelerate the pace of work, (see TWNN Bonn Update 13: *Parties call for ADP Co-chairs to produce streamlined text for substantive negotiations to begin*), the ADP Co-chairs stated that with the support of the Secretariat and the Co-Facilitators, they will make available “a single document based on the structure of Annex II to the scenario note of 5 May 2015, and guided by the views expressed by Parties during the 8 June stocktaking meeting, taking fully into account the discussions on this issue during the 75 meetings of the ADP negotiating groups as well as the meetings of the facilitation groups. It will include a fully streamlined, consolidated, clear and concise version of the GNT that will present clear options and will not omit or delete any option or position of Parties.”

The Co-chairs stated further that the document “will separate paragraphs of the GNT that are, by their nature, obviously appropriate for inclusion in a draft COP decision from paragraphs that are, by their nature, obviously appropriate for inclusion in the Paris Agreement. Issues clearly requiring further substantive negotiation among Parties to determine their placement will remain in the streamlined, consolidated, clear and concise GNT without inclusion in either category and will be clearly identified.”

“This suggested tool ... will be made available as an annex to the Co-chairs’ scenario note to be issued on 24 July 2015,” they added further.

(Annex II of the Co-chairs’ scenario note refers to a draft outline decision for COP 21 that presents all matters related to the ADP in a single decision. The first part of the decision focuses on the adoption of the Paris Agreement which is to be reflected in an annex to the decision; the second part relates to “decision elements” which are not in the Paris Agreement; the third part deals with “decision elements on the pre-2020 ambition”; the fourth part

addresses “interim arrangements”, while the fifth part relates to “administrative and budgetary matters”).

Responding to the Co-chairs’ suggestions, on the issue of what matters of the GNT are contained in the Paris Agreement and what goes into the decisions, **South Africa, speaking for the G77 and China**, stressed “the importance of addressing all the elements in the Durban Platform in both places in a comprehensive and balanced manner, preserving the structure of the Geneva text and taking into account that there are many issues that Parties believe should be addressed in the agreement, as well as in decisions. We also believe that you should keep in mind that there are certain issues for which it may be too early to make a determination regarding their proper placement. It is therefore important that we leave here with a clear understanding that your document will be without prejudice to Parties’ right at our next sessions to propose that options, paragraphs, elements, etc. be moved”.

Saying that the progress in Bonn had been modest, the G77 and China also emphasised the importance of an open and transparent process that is Party-driven and builds consensus to provide all Parties with the assurances needed to secure an equitable and ambitious agreement in Paris. Stressing on increasing the pace of work in the subsequent session, South Africa called for clarity on the way forward, including the work the Co-chairs intended to undertake in the intersessional period. “The Group feels that it is important to enter into substantive negotiations without any further delay,” it added.

Supporting the Co-chairs’ proposal on the way ahead, South Africa said the documents that have been produced in Bonn, as well as the document the Co-chairs had indicated they would present would have the status “only of non-papers”. “It is important that your document address the six core elements mandated by the Durban Platform decision in a comprehensive and balanced manner both in the agreement text and decision text, without prejudice to the Parties’ proposals and would not prejudice the priority, sequencing and final placement of issues,” it said.

The Group also asked of the Co-chairs to create appropriate opportunities for Parties to reflect on the cross-cutting issues, such as scope, support, thematic parity, equity, differentiation, structure and legal form, at an appropriate time. “This should not be a theoretical exercise, but rather take place in the context of specific text that Parties are working on,” it said.

On workstream 2, South Africa said that the Group regards it as an integral part of the ADP that has a direct bearing on the successful outcome of the Paris COP. “We reiterate that workstream 2 shall be treated in a balanced manner with workstream 1. The Group shares its concern on unbalanced progress between workstream 1 and 2 in this session,” it said. It requested the Co-chairs, with the co-facilitators and Secretariat to draft an inclusive paper based on Parties submissions, interventions and presentations of their proposals made in Bonn, facilitators’ outputs and further submissions by parties inter-sessionally.

(Workstream 1 of the ADP refers to work on the post-2020 Paris Agreement, while workstream 2 refers to pre-2020 ambition.)

Speaking for the **Like Minded Developing Countries (LMDC)**, **Malaysia** said the workstream 2 mandate of the ADP is an integral pillar of the work in the ADP. “Pre-2020 enhanced ambition through workstream 2 is the foundation and springboard for enhancing action after 2020. The LMDC stands firmly with the G77 and China in stressing the need for our work at this session, with all the various perspectives expressed and submissions made, to be fairly and fully reflected through a document so that we do not start anew when we meet again this year. We have continually stressed the need for balance in progress between workstreams 1 and 2. This balance can only be achieved if work done under workstream 2 continues to progress,” it said.

On the proposal of the Co-chairs on the single document to be produced, the LMDC called for greater clarity, including how it would be structured, how many parts it would have, and what the content would be of those parts. “What will be the criteria for determining or differentiating which particular paragraphs drawn from the Geneva text should go into text relating to a core agreement and into text relating to an accompanying COP decision?” it asked.

It suggested that in terms of the structure, text relating to the core agreement should come first, followed by text relating to an accompanying decision. “Additionally, for both texts on the core agreement and accompanying decision, they should follow the structure of the Geneva text in which the six core elements are reflected. This will allow us to focus on these core elements as the priority areas that we will negotiate on substantively at the next session,” it said. The LMDC also said that substantive negotiations in the August session should begin based on the streamlined and consolidated text.

The LMDC further stressed on the need for clear and explicit terms of reference (TOR) to provide guidance

to the Co-chairs and the co-facilitators. It outlined the TOR “on the modalities for facilitation (which) must be applied by all the facilitators in order to avoid any confusion over how texts are being negotiated from one section of the negotiating text to another.” It suggested the following:

- “Maintain the integrity of Party views and proposals in terms of their options and positions;
- The structure of the Geneva text must be maintained, that it remains intact, and continues to serve as the reference point;
- Transparency, inclusiveness, and direct Party-driven negotiations, are key principles that must always be reflected in our process, so that Parties themselves draft and own the negotiating text. A ‘no textual surprises’ policy should be in place such that you or the facilitators may change existing negotiating text through removing brackets, merging language, or providing drafts of compromise texts ‘on your own responsibility’ only on the basis of a consensus by the Parties providing you with the mandate to do so;
- Consideration of elements for the agreement and accompanying decisions should not prejudice the legal nature of the agreement;
- Documents that you produce for the consideration of the Parties should be circulated to the Parties at least 3 weeks before the start of the ADP session in which they would be considered;
- Textual drafting should be annotated in order to identify the source of the proposal and assist in providing further clarity on the concepts contained in the text;
- There must be balanced progress between workstreams 1 and 2, and between the sections of the workstream 1 negotiating text. In this regard, cross-cutting issues that may affect the consideration of different sections should be substantively addressed first;
- The practice of keeping no more than two negotiating sessions or facilitation meetings running in parallel at the same time should be maintained, in order to ensure that Parties with small delegations are able to participate effectively, while keeping in mind that overlapping meetings for issues or sections that have close linkages to each other should be avoided
- The single package approach we have been taking in the ADP will be maintained, such that all texts remain bracketed until the final consensus decision is made by the Parties to

adopt such texts, and that nothing is agreed until everything is agreed.”

The LMDC added that these would also ensure that the negotiations remain Party-driven, transparent and inclusive, attributes, which are the prerequisites for the final negotiated outcome to be considered legitimate.

Speaking for the **Alliance of Small Island States (AOSIS), Maldives** stressed on accelerating work and gave a “clarion call” for limiting global warming to 1.5°C. It stressed that none of the options in the GNT should be left behind in the streamlined document that the Co-chairs will present. It called for indicative milestones, including inputs and outputs, to be set on the road to Paris.

**Sudan**, for the **African Group**, said that in relation to the placement of issues, it was concerned on how it would be determined, when the issues require substantive negotiations. It called for streamlining and simplifying so that the document could be taken on board for negotiations, with the assurance that none of the ideas would be taken off. It expressed caution on whether it was the appropriate time to apportion parts of the GNT to decisions.

Speaking for the **Bolivarian Alliance for the Peoples of Our America (ALBA), Cuba** wanted the Co-chairs to produce a text that would allow Parties to arrive at the forthcoming session with a less extensive document and clearer options to progress in negotiations. It said that while developing the new document, the following elements need to be kept in mind: “to provide a balanced and equal development of all elements of the Durban Platform; the work with the different elements of the text take the same methodological assumptions, so that the end result is balanced and consistent; the structure of the document agreed in Geneva is respected; the consolidation of the text does not involve the loss or dilution of any of the items under negotiation and that each party should be able to find in the consolidated document, the elements and positions of the Geneva text; and to work on the basis of the consolidated text of 11 June, in order to capture the work done in this session”.

ALBA also expressed its concern about the lack of progress in workstream 2. “It is important to remember that when we agreed in 2011 to work under these two workstreams, we adopt it as a ‘package’ where progress in one area is closely related to the overall progress in all the work under the Durban Platform,” the Group said. “It will not be possible to reach a substantive agreement beyond 2020 without a clear roadmap, about the way in which the

commitments under the Convention will be fulfilled in the rest of this decade,” it added.

Speaking for the **Independent Alliance of Latin America and the Caribbean (AILAC)**, Colombia called for the new negotiating document ahead of the July informal ministerial meeting in Paris (to be held on 23 July) and added that the document should not be used to make political decisions.

**Angola** for the **Least Developed Countries (LDCs)** called for the document to be shared at the earliest, preferably in the beginning of July so that it can receive ministerial guidance for the process and help Parties undertake some analytical work. It also said that Parties reserve the right to amend the document as the basis for negotiations in August and the tools would be non-papers.

The **European Union** called for substantive negotiations to happen and called for the Co-chairs’ document to be published in July for conversation among the ministers. It said that it is not suggesting that the ministers negotiate the text but added that “many of the key issues that we must resolve in order to reach agreement in Paris relate to matters that can only be resolved by ministers.” It also called on all Parties, especially the “major economies” to come forth with their intended nationally determined contributions (INDCs).

Speaking for the **Environment Integrity Group (EIG)**, the **Republic of Korea** said in the document proposed by the Co-chairs, all ideas of the Parties must be taken forward. It gave the mandate to the Co-chairs to separate what elements they see as being part of the agreement and what goes into the decisions.

Speaking for the **Umbrella Group**, **Australia** stressed the need for changing gear and called for a substantially shorter and more coherent text. On workstream 2, it said the Durban mandate on enhancing mitigation ambition should be respected and that work on enhancing the Convention could be done through the COP and its subsidiary bodies.

**Peru**, which holds the current COP presidency added that there is strong expectation to begin the next ADP session with a substantial working document on workstream 2 that took stock of proposals from all the Parties.

**France**, as the incoming presidency, said there are three conditions necessary for success at COP 21: trust, trust and additional trust among Parties. France also added that through the Lima Paris Action Agenda, ambition, solidarity and cooperation could be shown among all the actors.

Responding to the interventions of some Parties that they wanted the text out in early July, Co-chair Reifsnyder said, “It is not an easy thing to prepare” and that developing the text would take some “careful work on our part, the Secretariat’s part and the co-facilitators’ part to understand what are the sensitivities. It is a very risky assignment because if we get it wrong, we go backwards to where we started but if we get it right it helps us propel forward”. He said that Parties have the right to amend the produced document and could “do what you wish with it” and added that the Co-chairs would focus on the convergences and take into account requests made on workstream 2.

On the issue of milestones, between now and December, Reifsnyder said, it is fair that Parties begin to have clear ideas about where they need to be in August and October. On the issue of apportioning text to the decision or agreement, Reifsnyder said that some issues are clearly going to be in the agreement, while the final clauses are in a decision text. He indicated that the Co-chairs will take a cautious approach and would pay careful attention to this matter.

Reifsnyder added that the documents produced in Bonn would be the basis to prepare the additional tool with the benefit of observations from facilitated discussions. “In these documents (from Bonn) we will know where we left and where we begin,” he said adding that the LMDC TOR was helpful for the Co-chairs.