

ADP: Next steps identified on way forward on negotiating text

Bonn, June 5 (Meena Raman and Indrajit Bose) – The UNFCCC’s Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) met in a contact group on 4 June, where the co-chairs took stock of the progress of work and identified the next steps in the process.

The Bonn session of climate talks is taking place from 1 to 11 June.

Chairing the contact group, ADP Co-chair Ahmed Djoghlaif (Algeria) said that there had been teething problems in the process of streamlining the Geneva negotiating text, but Parties had worked hard to help. He added that while negotiating groups had expressed satisfaction in the way they had operated thus far, they had also expressed concerns about the pace of the deliberations. He hoped things would get expedited. “We have reduced the size of the Geneva text by 5 per cent,” he said, which was the result of the first three days of the consolidation or streamlining exercise here at Bonn. He also said that some more paragraphs remained to be streamlined.

He said further that the Co-chairs had been informed that it would be easy to proceed if paragraphs were grouped within the same section. “In some circumstances, clarifying concepts or discussions would also help,” said Djoghlaif. He also suggested to Parties to discuss paragraphs that can be moved to the accompanying decision. What will be adopted in Paris will be a package, he stressed.

Djoghlaif added that the results (of the streamlining process) are captured in a working document and clarified that it is not an official document but is a ‘non-paper’ and is a tool to help Parties. He also referred to another document, which is a “streamlined and consolidated text”. Djoghlaif reiterated that the Geneva text is the only official document.

[Both the working document and the ‘streamlined and consolidated text’ are on the UNFCCC website. The

latter is comprised of 86 pages (from the original 90 pages of the Geneva text) and includes the work done thus far in Bonn as well the work from Geneva that has not been streamlined.]

On the next steps, Djoghlaif outlined that another next stocktaking session would take place on 8 June and if needed earlier too. Since facilitated meetings have been helpful, they would continue. He said that over the next two-and-a-half days, there will be meetings on mitigation, adaptation and loss and damage, capacity building, timeframes, transparency of action and support, finance, technology development and transfer and workstream 2 (dealing with the pre-2020 ambition). The sections on the preamble, definitions and final clauses would be looked at later, he added. For now, the task is to continue with streamlining and unpacking and making the options clear. If required concepts could be clarified within the section, he said, and added that Parties could also notify what paragraphs they want moved to the accompanying decision.

“So, you go from easier to most difficult steps and under no circumstances should any Party be left behind. Any agreement should have the full backing of all the Parties,” said Djoghlaif.

At this point Co-chair Daniel Reifsnyder (the United States) intervened to explain two outstanding issues that had emerged during the facilitated group discussions. One was on use of slashes in the text. He said that there had been a number of Parties that had asked about the meaning of ‘slashes’ in the Geneva text. He explained that the text from Lima used slashes instead of brackets. They should mostly be replaced by brackets but that may signal that it is an alternative to something else. He said the Co-chairs do not have a quick solution and will probably come back to this with a proposal the next time Parties meet.

Following the remarks by the Co-chairs, speaking for **G77 and China, South Africa** said the process of

streamlining is an arduous, but necessary, process. The pace had been slow but it felt encouraged that progress had been made, notably on workstream 2. “We should approach our negotiations in a step-by-step manner starting from the technical and editorial level that will give Parties the reassurances they need at each stage of the process, towards a shorter and a more manageable text. Streamlining and consolidating should, however, not prejudice Parties’ views on specific issues and the structure and content of the Paris outcome,” said South Africa.

South Africa also said that more clarity and direction provided by the Co-Chairs could accelerate progress, expressing concern that the continuing ADP sessions had eaten into the Group’s coordination time. “The Group needs adequate time to coordinate, especially since the majority of the proposals in the text come from members and sub-groups of the G77. It is in our collective interest to have a balance between coordination time for groups and facilitation time and this will be to the benefit of the streamlining exercise,” it said.

On the way ahead, South Africa sought clarity on the outcome of the work in the Bonn session and how progress on the negotiating text could be best captured. “It has been our experience that ground rules for the streamlining process thus far have not been applied consistently in the different facilitation groups. This has created unease for the Parties,” it said. It added that the working tool is to assist Parties to streamline in a practical manner. It envisioned an updated Geneva text capturing the progress made in Bonn as the basis of the work.

“It is important to keep in mind that the streamlining process is not advancing at the same pace on the different chapters. If the working document only captures progress on some issues and does not maintain Parties’ proposals on others, we run the risk of moving forward in a very unbalanced manner. There is a need for greater consistency in approach to streamlining across thematic areas. This can be achieved by a clearer understanding of what streamlining duplications and overlaps entails,” it said further.

South Africa also expressed concern that some Parties were engaging with different approaches to different sections of the text, raising procedural debates in some, which resulted in differences in the pace of progress along with procedural difficulties. It sought guidance on how the many crosscutting issues, in particular the similar issues emerging from different sections in the text, would be addressed. “There is a need to discuss, not in a theoretical manner, but based

on the textual proposals, cross-cutting issues such as differentiation, structure, and legal form,” it said.

Highlighting the importance of workstream 2, South Africa said: “We expect to leave this Bonn session with text on the table for workstream 2 and to do so we will need to be provided with dedicated time and space for textual discussion under this workstream.”

Speaking for the **Like Minded Developing Countries (LMDC)**, **Malaysia** said Parties need to accelerate the streamlining work. It said that the LMDC and the G77 and China had participated very proactively in the streamlining exercise and the LMDC went beyond their own proposals for the streamlining.

On how to accelerate the pace of work, it called for ground rules and a detailed mode of work, with permanent drafting groups for critical areas such as mitigation, adaptation and means of implementation. It also called for priority to be accorded to identification of key issues within each section and stressed that once the key issues were resolved, other issues will sort themselves out. There is need to prioritise and sequence the key elements so that Parties could get to the heart of the matter, it added.

Malaysia said that issues and concepts across sections should also be identified where they are repeated, sometimes in exact language without prejudice to the placement. On the outcome of the Bonn session, it said that the streamlined text should be included in the Geneva text so that it evolves, and “That way we can see the progress towards Paris”. Malaysia also called for ground rules to be established for brackets and slashes and said that these issues occupied a large space of time during the first reading of the Geneva text. It also supported the G77 and China on the importance of workstream 2.

To the question of what goes into the accompanying draft decision, Malaysia said this issue should be addressed last. “We can identify it but it would be premature to concretise what will be in the draft decision without seeing the content and form of the Paris agreement,” it said.

Speaking for the **Least Developed Countries (LDCs)**, **Angola** said the process had not been as helpful and that it should be clear to reflect on the divergences. It also called for discussions to better understand what issues are more relevant for the agreement and which ones are better suited for decisions. It stressed on workstream 2 saying it is important to close the pre-2020 mitigation gap. Angola also emphasised that loss and damage should be reflected in the agreement.

Speaking for the **African Group, Sudan** expressed concern about the pace of work and sought clarity on how to unpack the text in the second week so that they are easier to streamline. It added that the Group is not in a position to deal with crosscutting issues without knowing the the form, structure and legal character of the agreement.

Speaking for the **Umbrella Group, Australia** said that Parties had captured only low hanging fruit and it was important to take broader structural and conceptual questions during the second reading of the text. “This means more than a mechanical exercise. We should have time to unpack these key issues,” it said. In the second reading, it said, there should be space for Parties to better understand proposals within key paragraphs, and better clustering to happen. It was in favour of discussing what content is more suited to decisions. It called for clarifying options as well as reflection of compromise ideas and the options of “no text” to be presented. On workstream 2, Australia said Parties could start building on the decision based on the Lima decision and enhance and support the technical expert meetings.

The **European Union** said that progress had been slow with the process to mechanically streamline text, which had its limitations and Parties had sometimes ended up joining options that made political choices less clear. On the next steps, it called for accelerating work and supported the move for the unpacking and regrouping of issues across and within sections. It said strategic discussions on substantive issues are needed as well as clarity of the product from Bonn. It wanted a consolidated text from Bonn which had clear political choices. It also agreed on the need to address matters in workstream 2. It said that it is against the delivery of these outcomes that Parties will be judged.

Speaking for the **Environment Integrity Group, Switzerland** said that an editing exercise would not take Parties to an agreement in Paris. It said that much of the work Parties had done in the first three days could have been done by the “able secretariat”. It added that Parties would not be able to advance without engaging in conceptual text-based discussions. For next steps, Switzerland said that facilitated groups should have the opportunity to cluster paragraphs that deal with the same issues. Parties need to discuss what belongs to decisions, it said. “Balance is important. Balance means some issues take longer than the other. In Paris, we need to achieve balance in the agreement,” it said. Switzerland also said that it would be useful to maintain the Geneva text till Paris and called for an additional tool to be used in Bonn. In the

second week, Parties should prepare a working basis for December, it said.

India said that as a Bonn outcome, it was looking at a 60-page document coming out of 90 pages from the Geneva text, with the latter staying as a reference document. What comes from Bonn would be a next step document that contains the consolidated text along with the unconsolidated text. The Bonn document would be the basis for the next ADP meeting. It called for more time to discuss workstream 2 issues.

Brazil said the second reading should not produce a mechanical exercise of identifying duplications. It called for the unpacking of issues in certain paragraphs in the text. It asked of the Secretariat if it could provide Parties with inputs on each issue that a paragraph addresses. “Clustering is a matter of indicating where the issues are and what each paragraph addresses,” said Brazil. It added that there is need to consider placement for the agreement and for COP decisions without prejudice to the legal outcome. It said that “it would be good to consider to continue to identify crosscutting issues and allocate treatment for them,” adding that no option should be excluded. Brazil said it preferred to keep the Geneva text and in the working document incorporate all the portions of the Geneva text and continue to update it.

Egypt said that the road to Paris did not start in Bonn; it had started years before that and added that the road to Paris must ensure balance between the different elements, which had become vague with only some sections having advanced. It underscored the importance of discussing the legal form at an early stage and said that legal value of an agreement is different from a decision.

At the beginning of the contact group session, Co-chair Djoghlaif invited the chairs of the Subsidiary Bodies to present updates of their work that is relevant to the ADP. The SBI chair was not present and the rapporteur presented on his behalf.

The SBSTA Chair, Lidia Wojtal (Poland) focused on three issues: market and new market mechanisms and the 2013-2015 review. She spoke of the report of the Structured Expert Dialogue, which was made available to Parties on 4 May. She said the report includes 10 messages, which may inform the ADP and added that Parties are working towards the conclusion of the review and on how to capture it in a decision. Work on markets and new market mechanisms to elaborate the Framework of Various Approaches is also under way, she said.

The rapporteur of the SBI said that the body is working towards an agreement on a draft decision for

COP21 on response measures. He pointed out that the SBI was also working on the programme budget and for successful completion of the multilateral assessment (of developed country mitigation). He also appraised the contact group that Parties are working on a support package for capacity building and the Poznan programme on technology transfer. For capacity building, the rapporteur said Parties are working on a terms of reference for review of the capacity building mechanism in developing countries. On the multilateral assessment, he said that all but two Parties had been multilaterally assessed.

Facilitated meetings

Following the stocktaking session, facilitated meetings on mitigation, mitigation and workstream 2 were convened.

Mitigation

In the facilitated meeting on mitigation, much time was focused on paragraph 39 of the Geneva text which relates to market-mechanisms, accounting rules and the land-use sector. **Australia** presented its proposal on a way to cluster and unpack the various issues in the paragraph. This led to a long and intense exchange among Parties, with a clear divergence between those who are proponents of the various options who wanted to advance further discussion on this paragraph, and those who did not think that this was the right time to discuss these issues, as they stressed the need to discuss other more important issues in the mitigation section.

Saudi Arabia said that there was a need to identify areas of convergence and divergence on the issues in the mitigation section (as a whole) and areas of priority. It said that markets are merely a tool and what was more important is to see what kind of commitments Parties are undertaking on mitigation before looking at whether markets can be a tool.

India said that in the previous session, Parties did not agree to a mechanical merger of simple paragraphs but were now transitioning to discussing a very complex and difficult issue. It proposed the identification of the core issues in the mitigation section for discussion.

China said that one issue that needed to be considered in the unpacking of paragraph 39 is whether markets are “to be or not to be”. **Bolivia** and **Venezuela** also raised similar concerns.

Malaysia, for the LMDC, in response to these interventions, said that it wanted the identification of key issues and to prioritise elements in the text. The issues in paragraph 39 are being imposed upon Parties who see it as being a peripheral issue. It said that when the LMDC put proposals on the table, some Parties

wanted more time to reflect when these proposals were fairly easy to streamline. It said that it was time to reflect on the approach. “What is sauce for the goose is sauce for the gander”, said Malaysia, saying that paragraph 39 had a large number of paragraphs. It further said that if Parties wanted to categorise the issues within the paragraph, then it was okay to identify them and move on to identifying the key issues within the mitigation section and to sequence the discussion.

Australia, in response to Malaysia, said that it saw paragraph 39 as a key issue and was prompted to forward its proposal as it saw interest from other Parties who also had similar ideas. It said that there is confusion in the working modality, whether to cluster and unpack or actually merge and provide debate on substance. The **EU** supported Australia and said that this was a simple exercise of clustering the issues.

Following these exchanges, the co-facilitators proposed a break, and came back shortly with a table that had issues under accounting rules and markets. Whether there will be markets at all is a decision to be taken, said the co-facilitator. Several Parties raised concerns over the table and there was agreement not to circulate the table on the UNFCCC website.

Adaptation

Parties resumed the exercise of streamlining the list of paragraphs which were still pending from the previous session. Some Parties wanted to move to step two of streamlining and the co-facilitator **Andrea Guerrero (Colombia)** said that she would propose a far more interesting dynamic to Parties.

She presented a table with three columns; the columns titled ‘cluster’, ‘paragraph’ and ‘text’. The idea was that the broader themes within the adaptation section would be identified, and next to it the paragraphs corresponding to those themes would be listed, with the text from these paragraphs pasted.

While some Parties expressed support for the format while suggesting changes to it, others thought it would be more meaningful to have a conceptual discussion on key issues first. Some Parties said they had proposals around clustering and others were of the view that it was too early to begin identifying paragraphs.

Saudi Arabia wanted to ensure consistency in approach across sections (the mitigation section was happening in parallel to the adaptation section). After further deliberations on the format, Guerrero went over to the mitigation session to confirm whether they were on the same page. She returned to the adaptation group and reported that they were following the same

approach of clustering and even identifying paragraphs. Eventually Parties agreed to work on the format put forth by the co-facilitator with the understanding that it was an evolving table and would merely serve as a tool.

As the format was being discussed, **Timor Leste** pointed out that like in adaptation, there should be a separate format to discuss loss and damage. The **US** did not agree with the proposal. “At this stage we are not taking any Parties’ position off the table. There are Parties that see the Warsaw Mechanism on Loss and Damage as clearly being under the Cancun Adaptation Framework. Our position has not changed. We cannot have a conversation around that if we separate the issues,” the US said.

The adaptation group will meet next on 6 June with further submissions and proposals by Parties on the format and the way ahead.

Workstream 2

The ADP convened the first facilitated group on workstream 2 on 4 June. The session was co-facilitated by Aya Yoshida (Japan) and George Wamukoya (Kenya).

Yoshida presented a few guiding questions to Parties for discussion and the differences between developed and developing countries on the scope and mandate of workstream 2 were clear. The **G77 and China** said it is working on elaborating a decision text, which it should be able to finalise soon. The **EU** also said that it had a proposal which it would submit before the next session on workstream 2, which is scheduled to meet on 5 June.