

Transparency and inclusiveness take centre stage in stocktaking

Cancun, 6 Dec (Chee Yoke Ling and Lim Li Lin) – The informal stocktaking of the first week of the ongoing climate talks under the UN Framework Convention on Climate Change and its Kyoto Protocol focused on issues of transparency and inclusiveness as well as the integrity of a Party-driven process.

The two meetings on Saturday (4 December) were presided by Patricia Espinosa, Minister of Foreign Affairs of Mexico who is President of the 16th session of the Conference of Parties (COP) to the UN Framework Convention on Climate Change (UNFCCC), and the 6th session of the COP acting as the Meeting of Parties to the Kyoto Protocol (CMP).

The UNFCCC's subsidiary bodies – the Subsidiary Body on Implementation and the Subsidiary Body for Scientific and Technological Advice – concluded their work that same night and numerous decisions were adopted, marking welcome progress in the implementation of the Convention.

[Following the two stocktaking meetings, the Mexican COP President convened an informal meeting on Sunday (5 December) to inform Parties on the next steps in the process related to the two Ad Hoc Working Groups under the UNFCCC and Kyoto Protocol. See TWN Cancun News Update # 12.]

Minister Espinosa in opening the informal stocktaking of the first week of the work of the COP 16 said that good progress has been made. The results from the work of the two subsidiary bodies completed that afternoon will be transmitted to the COP plenary.

She said that Parties have been active in deliberations in the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) as well as deliberations under Article 17 of the Convention (relating to six proposals for new protocols submitted by several Parties: See TWN Cancun News Update # 10). She also said that Ambassador de Alba has been carrying on consultations with regard to future mitigation commitments.

On the purpose of the meeting she said that as we reach the half way mark of the Conferences we must evaluate where we stand and chart the workdays ahead. She said that she realized the importance of clarity in order to maintain unity of purpose.

From the beginning the Mexican government has been committed to ensuring that every view is listened to and taken into account, she said, and stressed that there is no hidden text, and that the Presidency has done its best to provide guidance. This is how we will act throughout. Today's stocktaking will leave us with a clear picture of what has been achieved and all that must be done for a broad balanced discussion.

Remarking that Ministerial level representatives have begun to arrive in Cancun, their political guidance is indispensable in several key issues. We will do our best that this is provided in a timely and effective manner to chairs and facilitators. She gave her personal commitment that there will be no separate parallel process, no selective segmentation of issues and no duplication of negotiations and no lack of transparency.

She promised to consult with all Parties and announced that she would offer dinner that evening to ministers but that there will be no working papers and no negotiations will take place. She also said that the next steps would be discussed on Sunday in another informal meeting (where she repeated much of what she said at the COP 16 stocktake).

Margaret Mukahanana-Sangarwe of Zimbabwe, the AWG-LCA Chair in her informal report said that she had at the beginning of the (current) session presented a paper under her own responsibility to help the negotiations to move forward. That paper built on the paper from the negotiating text and work from Tianjin (where the AWG-LCA last met in October).

She said that after a week of work it was useful to prepare a revised version building on the progress made, and this is the CRP 2. She hoped that Parties will read it over the weekend and brief their ministers for the work ahead next week, including individual drafting groups. (Some parts are

not revised yet as there has not been sufficient information from the groups to do so.) She proceeded to give a summary of the status of the main issues where some are close to compromise and others need more work next year, concluding that in her assessment there is progress, but also areas where national positions are maintained, in some cases going backward. She said that negotiations need to move and that Parties should come back on Monday so that we can finalise work of the AWG-LCA.

In inviting Parties to make their statements, the COP President said that the intention of these statements is not to examine the elements that the AWG-LCA Chair has presented.

Yemen on behalf of the G77 and China said that the Group was not in a position to give a thorough and objective view on possible elements in the CRP 2 document. We just received. It deserves careful attention. We will not present a view at this stage.

Grenada on behalf of the Alliance of Small Island States (AOSIS) said it has just seen the text and would need time to do justice with adequate response. It said that this is negotiation under the Bali Action Plan. In general, looking at the text in a cursory way, it lacks sufficient ambition for urgent protection of islands and the world in the context of the threat of climate change. It represents a step forward but requires more work in shared vision and adaptation, calling for those two areas to be strengthened.

Bolivia said it will study the document carefully, and regretted that the imbalance of the previous text (CRP 1) is not removed. It listed several examples of such omission not a balanced text and stressed that this is not a negotiating text of Parties. We are small (country) but we have the same rights, it added.

It called for the beginning of negotiations of the 14 August 2010 text which contains positions of Parties. This (CRP 2) does not reflect Bolivia. We cannot negotiate through facilitators or chair of the AWG-LCA. This is a negotiation between states. It is high time we begin negotiations between states. Facilitators and chairs have the right to bring Parties together but Parties have right to negotiate. If we analyse what is happening in the AWG-KP for balance, there needs to be two commitment periods in the AWG-KP. (The last comment evoked applause in the room.)

China said a stocktaking plenary is important to assess what we have achieved for the past week. It expressed appreciation for the COP Presidency efforts to lead in full and open transparent and inclusive manner. This is very important for a good outcome of Cancun. It said it is important to keep the Party driven process. It is time to change the mode of the process from iterative into negotiation mode; there is need to change gear to speed up the process of negotiation. We are all here to secure a balanced outcome of the conference. Indispensable is the second commitment period of KP and we should follow strictly and sincerely the Bali Road Map.

Tajikistan speaking for landlocked countries said that the text lacks balance and consistency, and fails to acknowledge the vulnerabilities of mountainous, landlocked countries and these gaps are unacceptable. **Bhutan** supported this concern

Saudi Arabia said that the transparency and inclusiveness of the Presidency is very important, and there is big relief because of the COP President. It said that the LCA text is not mandated and is a non-paper.

Tuvalu said the CRP 2 represented a narrowing of perspectives. There are differences of views as to whether it represents views of Parties. It is a CRP document, a document of the chair of the AWG-LCA and the views of co-facilitators. It does not represent proposals by Parties. It is time for us to change the mode of negotiations. We have to take ownership of documents and have views of parties reflected. We have passed the time of iterative process to consider if Parties' views are reflected. Parties have to have ownership.

Venezuela reserved its position as it is difficult to give views with such a short time to look at the document. It thanked Mexico for trying this week and this year and shown clear willingness to bring Parties to arrive at consensus. But having said that, it agreed with AOSIS on the lack of general ambition.

It did not know how Parties are going to manage text. What is the methodology that we are going (to use) to insert these proposals? What is value of groups of countries; if countries produce new text, this should have higher status. How are we going to move forward? There should be clarification and certainty on the role of ministers. It hope that they are coming here to give guidance but not to substitute the work done in negotiations. It said it is prepared to negotiate as soon as possible.

Nigeria expressed concern over secret rooms and secret outcomes, and said it did not want a repeat of previous situation. When we see the paper on the KP (Kyoto Protocol) we will know if you are for real. It stressed that it is necessary for Parties to have ownership. No matter how good the leadership the process belongs to the Parties. Ministers must not take over negotiation of substance but give guidance.

The COP President restated that there is no hidden negotiation, there will be no secret or hidden text in this negotiations.

Argentina said that a frank debate preceded the consultation and hope to see a balanced outcome in Cancun with principles of the Convention and the Kyoto Protocol. It will study the chair's text, noting that views of all Parties are not reflected.

Guatemala supported the (COP President's) commitment to keep the process transparent, welcoming the information that there will be no hidden text.

The European Union said that at this time, its shared objective for a balanced and comprehensive package on the Kyoto Protocol and the Convention is within reach. As ministers arrive it will brief them on willingness to compromise as it has observed. It said the new text is a further effort to that goal. It reiterated that the Cancun outcome needs legally binding results in both tracks.

It said that the second commitment period of the Kyoto protocol is clear. Considerable progress has been made in adaptation, technology, finance and REDD Plus, and these have necessary ingredients for a deal. We need textual proposals including in mitigation and MRV. The sooner the proposals emerge the easier for ministers to make compromises. It reiterated the European Council position for a global and comprehensive framework engaging all major economies under the second commitment period (of the Kyoto Protocol) and a strong outcome under the AWG-LCA.

Australia on behalf of the Umbrella Group said that there are really substantial achievements and that this process works and that this should not be jeopardized, reiterating that mitigation and MRV are less advanced.

It said that ministers expect clear text and can provide clear guidance for work next year.

Singapore welcomed the reiteration of the principle of transparency. It said the climate change negotiation is at crucial cross roads and we need an outcome here in order to preserve credibility of the UNFCCC. The status of the text is not the fundamental question. The question is how to do we build, compromise and reach discussion.

Maldives agreed with Singapore about transparency and was sure there is no hidden text. We have not read the text but are sure it reflects the Parties. We do see progress in Cancun and do not want the same sort of situation of Copenhagen in Cancun.

At least another 10 Parties also made statements.

New protocols – amendment under Article 17 of the UNFCCC

The contact group established by the COP 16 plenary on 1 December to consider proposals by Parties under Article 17 of the Convention, met on Friday (3 December) under the chairmanship of Michael Zammit Cutajar of Malta (See TWN Cancun News Update #10).

At the end of the exchange of views, Cutajar said that he did not think it would be productive to have further discussions, and proposed to convey his summary of the views of the Parties to the COP 16 President. The Alliance of Small Island States (AOSIS) expressed their disappointment.

At the informal stocktaking meeting of the COP session, following an oral report by Cutajar, Espinosa proposed that informal consultations be held by Mexico's climate envoy Ambassador Luis Alfonso de Alba on further work that

could be done. Grenada on behalf of AOSIS objected and requested that discussions be continued in a contact group.

Espinosa then appealed to the Parties to agree, with de Alba's participation to advance the process. India queried such a change of decision since the gavel had been lowered (signifying an adopted decision). Espinosa replied that she had not seen the request from Grenada to speak, and Tuvalu said that it had also indicated its desire to speak before the gavel.

China asked if a plenary at an informal stocktaking could make decisions. Espinosa agreed that this cannot be done. However the informal stocktaking ended with the contact group tasked to resume discussions on Monday (6 December).

Many countries are seeking a new treaty instrument under the UNFCCC as the outcome of the working group on long-term cooperative action under the Convention (AWG-LCA). However, there is no consensus yet on the form of that outcome, with options including COP decisions and a protocol.

Stock-taking of CMP 6

At the informal stocktaking plenary of CMP 6 that followed immediately, Minister Espinosa informed the meeting that the Presidency had been conducting informal consultations on mitigation, including on emission reduction figures in the framework of the Kyoto Protocol. She said that flexibility, creativity and a true sense of compromise is needed, and that national positions are known and we now need to find common ground.

The Chair of the AWG-KP, John Ashe from Antigua and Barbuda, then reported back to the CMP. He said that on Monday, at the start of the meeting, he had tabled a proposal based on the document from the last meeting of the AWG-KP that was held in Tianjin, China in October. He said that his proposal covered all aspects of the work of the AWG-KP, and is balanced and comprehensive.

Ashe said that consideration of Annex I Parties' emission reduction commitments is the main task of the Group, and that there has been some substantial progress on issues being considered by the Group related to the length of the commitment period, the base year, and surplus assigned amount units (AAUs.) He said that the Group was close to compromise on proposals with fundamentally different concepts, and have streamlined clear options.

According to Ashe, the AWG-KP had requested Ambassador de Alba from Mexico to assist the Group with informal consultations on the issue of emission reduction numbers. He said that the consultations are still on-going, and that Ambassador de Alba had reported to him on initial consultations.

(However, the Chair in his scenario note for this session had reminded the AWG-KP of the "offer" of the Mexican President to assist Parties in "arriving at outcomes in

negotiations under both the AWG-KP and the AWG-LCA". During the sessions of the AWG-KP in Cancun, the Chair informed the Group that the Mexican Presidency was undertaking informal consultations on the emission reduction numbers.)

Ashe said that on the other issues, there has been substantive progress but further work was still required. He informed the Group that he intended to revise the proposal that he had tabled on Monday. The document was issued on Sunday, 5 December.

According to Ashe, the AWG-KP requested assistance at the Ministerial level on the key political issues that are before the Group on numbers, land use, land use change and forestry (LULUCF), market mechanisms and methodological issues. He said that the Ministerial will not supersede the work of the AWG-KP, but would assist the Group with options or compromise options to achieve a balanced outcome.

A number of countries expressed concern about the process.

Venezuela expressed concern that guidance would be sought through Ministerial meetings to produce compromise versions, as it sounded as if the Ministers are going to draft text. If this is the case, it asked, how will the Presidency ensure that the Minister's draft will not undermine the work that is being done in the AWG-KP. It noted that not all Ministers will be here on the same days. It said that sovereign countries are equally represented by heads of delegations, and that the sovereign rights of equal representation by all states under the UN system must be guaranteed.

The Chair of the AWG-KP responded saying that he did inform the contact group yesterday where political guidance was urgently needed, and that (some) Parties have asked for political guidance. As such, he has invited the Mexican Presidency to seek ministerial consultations.

The COP President said that the negotiations will continue to be conducted by working groups where all countries are represented, and where the drafting takes place. Texts have to be approved by the Working Groups. However, there are a considerable number of Ministers already in Cancun, and the Group would benefit from some guidance, on political issues, she said. (The High Level Segment is scheduled to begin on Tuesday, but the Mexican Presidency has invited some Ministers to arrive early, at the weekend).

According to the COP President, the Ministers will not be drafting or duplicating the negotiating process, which will take place within the negotiating Groups. Ministers from developed and developing countries will jointly lead in these discussions, she said, and they will make contact with

delegations whether or not they are represented at the Ministerial level. So, the inputs from Ministers will be submitted to the working groups for consideration, and will be brought to the plenary for consideration, she said.

Nigeria pointed out that if the Ministers will lead the discussions, this was inconsistent with saying that they would provide guidance. It referred to the statements by the Umbrella Group, the European Union and the Environmental Integrity Group and said that taken together the implications are very worrying, and perhaps the COP President has inadvertently joined in.

It said that there should be no more text from facilitators and even from the Presidency, and emphasized this as the major issue. It stressed on the transparency which the COP President has engineered, and which Ambassador de Alba has done everything to continue. It noted that that out of all the consultations undertaken by Ambassador de Alba, there has been no text on emission reduction numbers, and asked what would be submitted to Ministers? Would it be text by Ambassador de Alba or John Ashe?

Tuvalu said that we are still dealing with text that is not formal negotiating text, and there is a need to move into formal negotiating mode and negotiate paragraph by paragraph. It said that we can no longer have facilitators making arbitrary decisions about what is and isn't the views of Parties, and that we need to have a process that is owned by Parties.

Bolivia expressed concern that the negotiations are not making progress on any substantive issue. The crucial issue is emission reduction numbers, but up till now, there have been no official negotiations on it. There have only been informal consultations, where only a small group participates. The informal consultations should in no way substitute the formal negotiating process, where all participate, it said.

Statements of positions were also made by the G77 and China, the Umbrella Group, the European Union, the Environmental Integrity Group, the Alliance of Small Island States (AOSIS), the least developed countries (LDCs), India, Malaysia, Australia, China, New Zealand, Norway, Egypt, Maldives, Japan, Vietnam, Peru and Benin.

The COP President concluded by saying that we do need a political decision to achieve the balance between and within the two negotiating tracks so that we can move head, and take a decision that will allow for enhanced global action. This will benefit those that need it most. It would give greater credibility to the multilateral process and the UN system as a whole.

Contributions by Meena Raman