

Reactions to “amalgamation draft texts”

Durban, 6 Dec (Meena Raman) – As Ministers from many countries land in Durban, Parties under the Ad-hoc Working Group on Long-term Cooperative Action (AWGLCA) under the UNFCCC are busy with intense negotiations to arrive at the draft decisions needed.

The AWGLCA met in a plenary session on Monday, 5 December, following the production by the Chair of the working group, Mr. Daniel Reifsnyder of the United States, of an “Amalgamation of draft texts” to provide an opportunity to Parties to give their reactions.

In addition to the amalgamation draft texts which is 73 pages long, a separate document was produced as an ‘addendum’ containing proposals by Parties under the element of ‘economic and social consequences of response measures’, that deals with the issue of ‘unilateral trade measures’.

The **G77 and China** expressed concerns that this element was deferred to an addendum when there was clear agreement that the facilitator would produce a negotiating text on the basis of Parties submissions contained in conference room papers (CRPs) and that this would be included in the main part of the texts. It stressed that this element needed to be treated in the same manner as other elements of the Bali Action Plan.

Many Parties also expressed views that the texts did not reflect all the discussions and was not balanced, while others said that it provided a good basis for further work.

Among the issues that saw a divergence of views included the “scope of the review” and “legal options”. While developed countries wanted more progress on the transparency of the mitigation actions of developing countries, developing

countries were concerned that this aspect was moving too fast at the expense of issues of concern to developing countries such as long-term finance and economic and social consequences of response measures.

According to the Chair, the document intended “to bring together the elements of the draft AWGLCA outcome in the form of amalgamation of the draft texts emerging from the work in the informal groups” and “provides an overview aimed at enabling delegates to see where there are gaps or lack of balance and to find ways to address these accordingly.”

He suggested that the issues in the text could be reflected in three categories: (i) those which can be completed by the informal groups; (ii) those that may be resolved in Durban perhaps through consultations at a higher level and (iii) those that cannot be agreed to in Durban on which Parties could work hereafter.

On the legal options, in relation to the first option to “develop and finalise a protocol relating to the content, time frame and forum under consideration”, Reifsnyder said there was an overlap with the ‘Indaba’ process which is going forward under the COP Presidency and not the AWGLCA. [The ‘Indaba’ process, (informal dialogue sessions) have been convened by the COP Presidency to deal with the “cross-cutting” issues between the AWGLCA and the working group under the Kyoto Protocol].

China said that the ‘Indaba’ process was not the forum for negotiations.

Reifsnyder said that by Wednesday (7 December), there would be an update of the amalgamation texts emerging from the informal groups.

Argentina, speaking for the **G77 and China** said that the texts captured the different positions of Parties but expressed great concerns that it did not reflect the discussions and agreements coming out of the informal meetings. It also stressed the need for the texts to reflect the positions of all Parties. It wanted the shortcomings to be fixed in the next iteration of the texts. The Group said that the conference room papers (Parties submissions) are to be the basis of negotiations. It did not consider the amalgamation texts to be the basis of the negotiations but was ready to fix its shortcomings. It also wanted certainty on what texts are going to be given to Ministers.

China said that it did not want an “acclamation document” (in an obvious reference to how the Cancun decision was adopted last year at COP 16) and that the amalgamation document was not a faithful reflection of the discussions in the informal groups. Given the time constraints, China wanted substantive discussions on the issues rather than spend time perfecting the document, stressing that the amalgamation draft texts were not the basis of further discussions. The basis for discussions in the informal groups should be the submissions by Parties.

On the ‘Indaba’ (informal dialogue) sessions convened by the COP Presidency, China said that issues could be discussed but that was not a forum for negotiations.

It emphasized that the mandate of the AWGLCA was to present an outcome. Areas of agreement would be contained in a report of the AWGLCA. It wanted clarity on the way ahead in case of disagreements and for a way forward in the process.

Saudi Arabia said that the document had many shortcomings and stressed that for any negotiations, the proposals by Parties was the basis not the amalgamation draft texts. It expressed concerns that the Chair had indicated that some issues could be delayed for consideration in the future and this could not be agreed to, as there was a need for a balanced package.

It also expressed concerns over the direction of the process, saying that Parties were meeting everyday on the issue of mitigation of developed and developing countries but there was only one meeting of the informal group on economic and social consequences of response measures. It called for a balanced treatment of all issues.

India said that on the issue of ‘the scope of the review’, arriving at a convergence was crucial. The Cancun decision had made clear that the scope of the review had to be defined and for the modalities to be developed. It was concerned that some Parties were not prepared to define the scope of the review (as they wanted the scope to be only about a review of the temperature goal). It said that the purpose of the review needed to be defined before engaging on how the review is to be done.

On the legal form, there was need for clarity of the mandate of the working group which was to reflect the outcome of the AWGLCA. The mandate was not to include the evolution of a future regime and there was need for a clear focus on the mandate.

It also stressed the need for a balance in the two-track discussions (the AWGLCA and the AWGKP). It said that the negotiations for the second commitment period under the KP were in a log-jam and there was no light at the end of the tunnel.

On the issue of the Green Climate Fund, it was not in favour of reopening the draft instrument for the Fund but there could be clarifications to the report of the Transitional Committee.

On international consultations and analysis (ICA for developing countries) and international assessment and review (IAR for developed countries) there was need for agreement on a brief decision providing guidance on these, with the technical aspects being elaborated by the subsidiary bodies as part of the guidelines for national communications.

India also wanted the mitigation targets (of developed countries) to be reflected in the texts.

Pakistan said that there was undue focus on mitigation and not on the issues of concern to developing countries. On long-term finance, it expressed concern that some Parties did not want a solution and if there was a partial solution, there would be no balance in the text.

Ecuador said that the texts were not balanced and did not reflect all the discussions. On the issue of ‘reducing emissions from deforestation and forest degradation’ (REDD), it said that the text was not ambitious as there needed to be clear sources of financing to be established. It also stressed that the system of voluntary pledges in mitigation of developed countries was not acceptable and that the

rights of nature was important. **Colombia** also expressed disappointment that the REDD text did not have a decision on financing for activities related to the forest.

Bolivia said that a key issue is the definition of commitments for developed countries that are not Parties to the second commitment period of the KP. There was need for a rigorous system of compliance as in the KP and to ensure comparability of efforts among developed countries. The trend appeared to be towards providing more flexibility and for low ambition. This approach jeopardized the chance for emissions reductions.

In the case of developing country mitigation, the texts were not balanced and violated the principle of common but differentiate responsibilities.

It was also concerned about the lack of sources for long-term finance.

Nigeria said that the Green Climate Fund could not be without a replenishment of resources and legal personality. It was concerned with proposals that see markets as a panacea of all problems, when they caused the financial crisis in the first place.

Bahamas speaking for the **AOSIS** stressed the importance of the scope of the review being confined to the issue of the long-term global temperature target. This was supported by Grenada, Jamaica, Fiji, Trinidad and Nauru. **Grenada** also called for a clear mandate for a new protocol as the outcome of the AWGLCA.

Gambia for the **LDCs** said that texts had shortcomings and supported the Bahamas on the issue of the review. It also wanted a mandate on the legal form.

The **European Union** said that balance in the document was key and was disappointed that it was not ambitious enough. It wanted more rapid progress on mitigation and the need to address the mitigation gap, accounting rules and clarity of the pledges. It also stressed the importance of transparency in the mitigation actions of developing countries, through the guidelines on ICA and biennial update reports.

It also wanted a decision on market mechanisms.

On the legal form of the outcome, it wanted a roadmap and a timeline for a new treaty which could be adopted by 2015.

Australia, Japan, Russia, New Zealand and Switzerland reflected similar sentiments. **Switzerland** wanted a decision in Durban on identifying the timeframe for global peaking of emissions.

The **US** said that in some aspects of the texts was much too long and needed streamlining.

The AWGLCA Chair in response to Parties said that it was important for Parties to negotiate on the real issues in the informal groups and there would be an update of the amalgamation texts on Wednesday morning.

On the process going forward, he said that work could be finalized in the next few days and where issues could not be completed, multiple options and clear political choices had to be made.