

ADP: Developing countries cite reasons for rejection of Co-chairs' text

Lima, 19 December (Indrajit Bose)- Six-and-a-half hours after an informal plenary session of the Ad Hoc Working Group on Durban Platform for Enhanced Action (ADP) was suspended around 4 am on 13 December, the ADP met again for its closing plenary at 10 am.

At the informal plenary earlier, a new version of the draft decision prepared by the Co-Chairs had been distributed and Parties had sought time to go through the document.

When the formal plenary session of the ADP began at 10 am on Saturday, a large number of developing countries criticized the draft decision provided by the ADP Co-chairs. Developing countries, including the Least Developed Countries (LDC), African Group, and the Like Minded Developing Countries (LMDC), rejected the text, citing serious concerns and called on the COP20 President, Peruvian Environment Minister Manuel Pulgar-Vidal to help find a way for an acceptable text.

Saudi Arabia, Venezuela, Nigeria, Algeria, Democratic Republic of Congo, Egypt, El Salvador, Solomon Islands, India, Argentina, Uganda, Cuba, Pakistan, Oman, Nicaragua, Senegal and China added their voice to the statements by the developing country groupings and said that the text could not be the basis to move discussions forward. South Africa and Brazil, while expressing their opposition to the Co-chairs' text, said they could work with the text subject to minor modifications.

On the other hand, the Chile, speaking for the Association of Independent Latin American and Caribbean states (AILAC), the European Union,

Belize, Marshall Islands, the Russian Federation, Australia, United States, Japan, New Zealand, Mexico, Switzerland, Turkey and the Republic of Korea supported the Co-chair's text.

When the ADP session was convened morning of Saturday, COP20 President, Manuel Pulgar Vidal said, "A couple of days ago, I requested you to help me, to not leave me alone. Now I say that we need to help ourselves. We are representing what the world is seeking for. I encourage you to have an outcome in which we are able to find balance." Following this request by Vidal, ADP Co-chair Artur Runge-Metzger (EU) invited delegates to consider the draft decision text as an outcome of the ADP's work.

Speaking for the **Like Minded Developing Countries (LMDC)**, Malaysia said, "We all started off from different starting points. Many of you colonized us; so we started from a completely different point and that is why one of the manifestations of differentiation is in the Convention itself. There must be a differentiation between Annex I and non-Annex I countries, and this you must appreciate because collectively this is what we concluded."

It added that they had a few key points that they had communicated to the ADP Co-chairs, time and again, through the meetings, through the negotiations, "through you the Co-chairs to the rest of the world, but these red lines were unfortunately not addressed in the text". "And for those who so gratuitously describe others who do not agree with them as people having an ego, people who would bicker needlessly, let me tell you this. Let me point

out for those of you who so flippantly categorize and psycho-analyze others, the key points of our red lines, which we have communicated, not only in the course of negotiations but as well to the presidency,” it said.

“One, this text is operating under the principles of the Convention, especially equity and CBDR; two, differentiation between Annex I and non-Annex I in intended nationally determined contributions (INDCs) is recognized and operationalized; three, there should be no introduction of new terms, such as ‘other Parties in a position to do so’, or ‘other Parties willing to do so’ under the next text. These terms and concepts are completely alien to the Convention; four, the scope of the INDCs includes all the elements: mitigation, adaptation, loss and damage, finance, technology, capacity building, transparency. It should not be mitigation centric. In particular, there has to be parallel information on financial contributions, which is required to support the developing country contributions on mitigation and other climate actions; five, the contents of the decision will not prejudice the terms and contents of the 2015 agreement; six, there should not be activities on assessment of INDCs in 2015 and a process of assessment can be considered after 2015 on terms to be agreed to; and finally, in the process to build the negotiating text for the 2015 agreement, the submissions of Parties are crucial components that will be drawn upon, said Malaysia.

“Now, we had these red lines and then the text was presented to us (referring to an earlier draft decision of the Co-chairs’ text which had various options in relation to the INDCs). We provided textual language. Now, in almost every option we indicated our preference for option 1, but then we indicated very clearly a willingness to work on option 2 and even option 3, but with modifications, with some of our ideas infused into option 2 and option 3. Now, how more compromising can one get? What else do you want us to do; go on bended knees and completely accede to your text?” lamented Malaysia.

“We provided textual language but we noted that our textual language was not recorded by anyone. Normally in a process...when you present a text and that language is going to be taken seriously, we are asked, ‘can you put it in writing?’ I offered that I could present it in writing. This offer is not taken

up. From the visual I could see there was nothing being recorded and therefore it is not surprising that we are thoroughly disappointed that our points are not taken up in the new text. It’s not a question of not compromising. Let me emphasise this again. We offered textual language in respect of all three options of all the key matters. We bent, and we bent. We can be flexible but we cannot bend flexibility to a breaking point, colleagues.”

It then gave some specific examples of the group’s disappointment with regard to the text. “The CBDR and other principles of the Convention are not adequately recognized, and especially not operationalized. And we tried to put this in and we would have present language that we have gladly put into options 2 and 3 to reflect this. It could be accepted, it could be rejected, but it cannot be dismissed out of hand. That is our complaint. That is our fundamental complaint. Two, there is no recognition of CBDR or differentiation on INDCs and the information to be submitted on INDCs. Three, terms such as ‘other countries willing to do so’ are used. Four, the finance issue is inadequately treated in the text, with no requirement for developed countries to provide information on their finance contributions. Five, the text is mitigation centric. Six, the draft decision is pre-judging the core elements of the Paris agreement. This is because of the above factors, including the absence of differentiation. There is an establishment of a mandatory system of mitigation in the text and but a lack of finance commitments in the text. Seven, there are activities on assessment in 2015 such as workshop and secretariat paper. Eight, para 4 elevates the Co-chairs’ elements non-paper to be the basis of continuing the work on elements, even though it has no legal status and there has been little discussion on it, while the views and submissions of Parties are not mentioned. We are prepared to make adjustments in this regard. We have several other points, including on the pre-2020 workstream. Our conclusion then is that it appears that the ADP process in Lima has been exhausted...it requires some surgery and we would like to engage in a process to continue to try to arrive at an outcome, but under the scalpel of the chief surgeon, the Presidency itself. So we hope then our key points can be included in any future text that could be so deftly treated by the chief surgeon, the presidency

and we are willing as we have always been to provide our ideas and language which we have ready,” it said.

Malaysia then pointed out the importance of a Party-driven process. “We would like to point out that only a genuinely member-driven process can result in a consensus. We have been strongly requesting the Co-chairs to allow and arrange a genuinely member-driven process with views and submissions of members, placed on the screen with a compiled text and in Party-to-Party negotiations. Unfortunately, the open and participatory process did start and we are so grateful for that. But it began only in the first week of Lima. We were satisfied with this process as it enabled Parties to see the common and different views and to negotiate. But time has defeated us in a sense. In our view, it is not this process that is wrong, but that this process was not given its proper chance until it was too late. We propose that the genuine member driven process be followed when the ADP resumes. The process by which the Co-chairs provide one draft after another, which does not satisfactorily reflect the various views of Parties, is unlikely to produce an outcome everyone can own and therefore succeed. We blame no one. Everyone has tried their best but these are very serious concerns. They have to be addressed when we talk about beneficial to the world and all that, you must recognize that there is a world out there, which is different from your world. Tuvalu expressed it (see below). There is a poor world. There is a dis-enfranchised world. Recognise that and let’s proceed under the Presidency in a spirit of openness to recognize the reality that faces us all,” it said, to a resounding applause.

Speaking for the **African Group**, **Sudan** said that negotiations under the ADP were taking place under a mandate. “There are some concerns that African Group has communicated. It is our view that the ADP is under the Convention and that all our work is in accordance with the principles and provisions of the Convention. This is one of the key points to arrive at a successful outcome in Paris. The second African Group red line that needs to be accommodated in Lima and subsequently is we shall not undermine the concept of differentiation, implicitly or explicitly. On the scope of INDCs, we had the hope for legal parity on all elements: mitigation, adaptation, finance, technology, capacity building and transparency. The African group’s

priorities include adaptation, finance, capacity building and technology. It is our view that these will receive equal and balanced treatment. We cannot accept hierarchy that puts mitigation over adaptation. It will be difficult for Africa to provide INDCs on mitigation if there is no INDC on finance by developed countries with a clear roadmap on the path going forward. We indicated that as part of the INDC process, as well as recognizing the parity of various elements, information should be defined for these elements. We must have greater clarity on INDCs from developed countries on means of implementation for adaptation, and on finance, technology and capacity building more generally. It is important we don’t overburden developing countries with information they need to provide. We expressed our position that any consideration of information should include consideration of adaptation and support information. In the decision before us, we are concerned. It doesn’t treat elements with parity. Some elements are treated as voluntary and some as obligatory. It compromises differentiation where there is an expectation of same information for all Parties. We are ready to work with you, but we are of the view that the decision impinges on a number of aspects, which will need consideration. We are assured that we can be advised on a mode of work to ensure these considerations. We seek guidance on how to arrive at a balanced text. The Africa Group will not be able to proceed on the basis presented to us,” it said.

Tuvalu for the **LDCs** said it had looked carefully at the text. “It is a text that represents many compromises. There are many elements for which we are grateful. We welcome special consideration to LDCs; we welcome reference to the elements text, but this text needs surgery. We need to put on our gloves and scalpels, and a few organs need to be inserted. ‘Loss and Damage’ has disappeared from the text and this needs to be inserted. LDC met last night and there was an overwhelming message that we need to see loss and damage in the text. This is crucial for the poor and most vulnerable. Often, these poor communities are left with nothing. They lose their crops, livestock, everything. We need a permanent arrangement to help the poor of the world to rebuild climate change. It would be a tragedy if we denied the poor. We implore not to

allow this COP to be remembered as the COP where we denied the poor,” said **Tuvalu**, to a big applause in the conference hall.

Algeria spoke for the **Arab Group** and expressed regret that the text did not take into account the concerns they had expressed earlier. “It is far from the principles and provisions of the Convention. Differentiated responsibility is absent here. It does not focus sufficiently on adaptation, which is a key issue for us. The text does not seek to differentiate commitments under Article 4 of the Convention. Technical cooperation has not been given sufficient emphasis to achieve the objective of the Convention. We cannot consider this text,” said Algeria, calling for a new text by COP20 President.

South Africa speaking for **BASIC (Brazil, South Africa, India and China)** reminded Parties that the ADP process was born in Durban and it will ensure that Parties leave Lima with a decision that lays the foundation of the 2015 agreement. “As we continue to deliberate here, global carbon emissions are rising. We support concerns raised by the African Group. The BASIC would like to raise the points also in support of Africa Group. We consider providing balance between the components of work that’s done to address climate change. Secondly, we address differentiation as described by Sudan. We also want to support how the assessment process is done. We believe with small adjustments, this text could be acceptable to all of us. We request you to allow a little bit more time for the final adjustments to be made.”

Saudi Arabia highlighted the fact it is important to face that there are differences and it is important to care for those differences in a manner where Parties’ work does not get lost. “This text does not capture the snapshot that builds on what we have over the last 20 years. If we lose all that, it will not help. We feel we have a text here that is prejudging the process. We said we wanted to see parity but we don’t see other elements. Where is the parity?” it asked.

Venezuela said this has to be a Party-led process and that Parties have two visions of reality of the world, which are very different. “This is why we speak of CBDR. There is one part of the global community that does not accept that there is differentiation and there is another part that talks of

historical responsibility. My country could be flexible in creating ideas, but what we cannot be flexible about the principles. We never said we are renegotiating the Convention. This is regrettable if this is the way we are trying to build transparency,” it said.

Egypt said that the argument that Parties were unhappy with the text did not translate into making it a fair text. The text not only pre-judges the Paris outcome, but it undermines the legal framework of the UNFCCC. “The eyes of the world are on us and the world deserves from us an outcome that is fair,” it said.

El Salvador said the decision does not take on commitments, vis-à-vis need for adaptation or loss and damage. “This does not correspond to the reality of climate change. The text does not respond to the needs of more than half of the planet that continues to get affected. We beg of all Parties present here and to the President to make one final effort. Let us all fully take on CBDR in the combat against climate change. Let us not disappoint the world,” it said.

Argentina said according to this text, the obligations will be the same for all the countries and without a clear reference to differentiated treatment; developing countries will not be in a position to implement the Convention, nor the commitments mentioned here. “Equity means we have to treat in a same way all of those who are in similar situations. A text of this nature will not be fair; above all it will not be feasible if implemented. We have submitted several options to reflect this differentiation, from the very beginning of the presentation of information for contributions but unfortunately we didn’t manage to get enough support. The challenge of this climate change agenda in developing countries is finding a balance between dealing with climate change and tackling the challenges that stem from the agenda of eradication of poverty. On this point, CBDR is a fundamental element. Furthermore, we understand differentiation is a central element to the Convention and we believe its focus should not be weakened; not subjected to reinterpretation. If we don’t respect CBDR, developing countries will run the risk of being those who will not be able to comply ever, whereas a number of us are making serious efforts to forward

this agenda. Argentina is a country, which needs clear rules in a multilateral system and in that spirit we are committed to working with the Presidency for the success of this conference,” it said.

India said that what Africa, the LDCs and the LMDC are saying must be appreciated. The concerns are genuine and the issues must be amicably resolved. No one wants to break away, said India. “We need an arrangement that recognizes all the elements of INDCs, the full scope along with provision for means of implementation. Let us not forget billions of poor because every climate action has a cost. If we do not take a balanced approach, it will be injustice to the poor. Instead of making polluters to pay, let us not make the poor to pay. We are therefore ready to sort out the issues with the COP Presidency in a balanced manner,” said India.

China said that the text remained unbalanced. The current text neither reflects the principles of CBDR and differentiation between developed and developing countries, nor the urgency for action pre-2020. The draft needs to be amended further to reflect the differentiation between developed and developing countries and to broadly express the concern of developing countries. It said it hoped that for a Lima consensus and to emerge from the deadlock, the COP President could play an appropriate guiding role to harmonise the different positions and improve the text so that the conference can have a balanced text as well as establish a good process for Paris.

Cuba said it’s committed to achieve an international agreement to fight climate change that is fair and balanced and respects the principles underlined in the Convention. It cannot mean a transfer of responsibility, it said. The document is insufficient in essential elements such as finance and differentiation and hence does not enjoy consensus. Cuba supported the idea of putting the text in the hands of the COP20 President.

Nicaragua said that “We are working under the Convention but the text is to weaken and supplant the Convention.” “We will continue to defend the Convention, which is the only climate governance system that we have. It is clear that this meeting is a reflection of our differentiated world, our differentiated reality and needs, when it comes to climate change. We have been experiencing disasters

year after year and suffering the consequences of a problem we did not create. There is no reference to an international mechanism on loss and damage; there is no consensus on differentiation. We are aware of historical responsibility as well as CBDR. From the statements in the meeting, it is clear that there is no consensus on the draft text. Going by previous experiences, we have had huddles, which is basically an agreement of the few. We will not accept that manner of proceeding,” it said.

Pakistan articulated that there are flaws in the document and detailed the issues. It sought to clarify the confusion and called for inclusivity.

Brazil said, “We understand we operate on a rules based system. UNFCCC is the law among its Parties. Its principles, provisions and structures are not a mere reference. All of our work is to find ways to implement the Convention in its entirety; not to do away portions of it or implement it selectively. We are engaged in a process to strengthen the climate change regime, not to weaken it. There is no bifurcated or binary approach in the UNFCCC. There is, however, recognition that Parties have different circumstances and levels of development. They have differing historical responsibilities and capabilities. This diversity has not precluded Parties to agree in pursuing ambition in addressing climate change in a global scale. I remind you most of the mitigation efforts today are taken upon by developing countries on a purely voluntary basis. Rather than do away with differentiation, we should harness on it to add our efforts together towards increased ambition overtime. We still live in a world of deep inequalities. Our collaboration in the UNFCCC should be based on solidarity and support for sustainable development. Differentiation is not a reference belonging to the past. It is a reality which enables Parties to recognize themselves in a fair and equitable regime. It has not hindered ambition but rather enhanced it. In this light the notion of self-differentiation is tantamount to annihilation of the UNFCCC. It will promote backtracking, dwindling ambition and ultimately the perception of an unjust regime where Parties are encouraged to pursue a less is more approach. Let me make sure collectively that the drive towards less ambition, weaker rules and consequently the relevance of multilateralism is not our chosen path. The Paris agreement will be solidly built under the Convention that will hopefully take

us into the full and global implementation phase this regime has been striving for. Having said that I would like to assure you and the COP President of our desire to work together in order to find a consensus on the basis of the proposed decision with minor surgical adjustments,” said Brazil.

Senegal said “the text is unbalanced and not satisfactory. Lima is nothing but a step to the path forward. We haven’t been able to obtain what we wanted but we cannot artificially force a conclusion on this today, when a great many delegations have left; some ministers are not here anymore. The principle of a balanced text is what should guide us.”

Nigeria stressed on the need to make adequate reference to principles and provisions of the Convention and differentiation between Annex I and non-Annex I Parties. It also called for mitigation and adaptation to be equally treated. It supported the statement by African Group and the LMDC.

Democratic Republic of Congo said parity among the six elements is missing. It is important that historical responsibility is maintained and for the text to reflect differentiation. The scope must go beyond mitigation and cover all elements. “This text is not acceptable to us,” it said.

Solomon Islands said the text had “dropped off” loss and damage. “Those states who are saying this is a compromise text, the question is can our people live with it? The answer is the draft decision has a human face to it. It leaves out the poor and the vulnerable. We would like to give hope and insert loss and damage as a standalone element. Please listen to our people,” it said.

Uganda underscored the need for a balanced text that can meet the aspirations and should not in any way attempt to rewrite or renegotiate the principles of the Convention. The text recalled the need for balanced treatment of all the Durban elements, in particular adaptation and means of implementation, with particular focus on financing of vulnerable developing countries. It said that loss and damage was missing from the text and reiterated that the issue must be an essential ingredient in the agreement.

Talking about its meeting with ministers the previous day, **Singapore** said the issues that emerged included one, a strong sense of urgency to

make progress; two, there needs to be a strong sense of trust. (*The previous day, ministers of Singapore and Norway facilitated a meeting with the ministers of countries present at COP20, under the guidance of the COP President.*) Singapore iterated that trust is required in five areas: decision to be under the Convention and guided by its principles; balance in the scope of INDCs; finance support available and no backsliding of prior commitments by the developed countries; scale of ambition should be adequate to meet the 2°C or even 1.5°C challenge; Lima should not pre-judge the future legal form or even the shape and structure or the firewall that would be an integral characteristic of the legal agreement. Singapore said there had been a serious attempt to improve the text in the five areas but “recognizes that this glass is not completely full and further adjustments are needed to make it universally acceptable to all”. Using the analogy of surgery and asking if it was necessary, Singapore added “If each of us just submits one paragraph, it will inflate the document beyond recognition,” it said and appealed to everyone to “very carefully and judiciously” offer the potential amendments to the President for consideration.

The **Republic of Korea** added that there is no time to lose and to move together since the draft decision is the outcome of common efforts. It said that whatever issues need to be addressed could be done at the next meeting.

Mexico added that Parties had the responsibility of reaching a decision and that they must continue their efforts till they reach an agreement that is beneficial for the planet as well as society. It supported the text.

Speaking for **Association of Independent Latin American and Caribbean states (AILAC)**, **Chile** said that it is clear that this is a compromise text. “Our positions are far apart. At the same time, we value what we have before us. This is a text that would make everyone unhappy. We have given up something. This is a text where we win something as well. Postponing decision today would be imposing a serious setback,” it said.

The **European Union (EU)** said that the text certainly does not reflect the views of the EU. “Many of the EU wishes were either not represented or weakly reflected. However, we need the stage to move forward to Paris to be able to reach a global

agreement in Paris. Give up a little and find common ground. We need everyone to do its part.” The EU expressed support for the text.

Speaking for the **Environment Integrity Group (EIG)**, **Switzerland** said that the group is ready to endorse and support the text. “We have outlined our vision but have not been able to achieve the vision we aimed to. None of us is really happy. Nevertheless, EIG is ready to endorse and support the text,” said Switzerland.

Turkey said that the text does not prejudice Parties’ positions and that it can live with the text and is prepared to endorse it as is, “fully noting the reservations made by Parties”. It added that it is not in a position to support a bifurcated approach based on the current Annexes.

Belize said that it needed the ex-ante provision (in considering the INDCs), which was there in the text. “If we have to open the text, I am afraid we go into two paths. We either try to get everything or we get a least common denominator.” It supported adoption of the text. **Marshall Islands** said it is not happy with the text but supported it, highlighting that Parties do not have the luxury of time.

Australia said that there are missing parts and that it has heard the concerns. “We think these are issues we have to work collectively next year. The compromise text is the best basis to move forward now,” it said. **New Zealand** said no Party had been ignored and the text sought to steer around redlines instead. “Of course we too have textual suggestions, but I will not be making them,” it said. The text does not pre-judge and if it is not possible to accept the text as a compromise, the real risk would be that much less would be achieved rather than more, it added further.

Japan too said that the text was carefully crafted and that it does not prejudge the result of the discussion during the course of 2015. “There are parts where we are not satisfied and which do not reflect fully our views. However, as many Parties have pointed out, this is a text of compromise and we have very little time left. So Japan is willing to accept text as is,” it said.

The **United States** said that there are many things in this text that did not reflect their strongly-held views, such as on scope, differentiation and ex-ante

process or the pre-2020 forum. “We will offer new language to fix everyone of those points, but we have no time for lengthy new negotiations. We are not saying modification by the Presidency is not possible, but we must be mindful that this text represents a hard won balance and that the hour-glass is running down.” It said the success of the COP is at stake; Paris is at stake; and the future of UNFCCC as a body to address climate change effectively at the international level is also at stake. Failure to produce a decision will be seen as a major breakdown and will be seen as a serious blow to the confidence of Parties and others as we approach Paris, and indeed to the hope of Paris agreement, it added. If Parties agreed on the way forward, it would mean that for the first time, there would be a stable, durable, rules-based climate agreement with legal force that is more ambitious than ever before,” it added.

“Even if (the agreement) is not ambitious enough, it is built to last, calling for the progressive ramping up of the ambition of regular periodic cycles that is applicable to all in a genuine, non-formalistic manner that is fully differentiated. The nationally determined structure, with a principle that says we shall not go backward on ambition, and with CBDR RC represented and expressed in the light on national circumstances, so that all the interests of countries, developing countries in growth, development and eradicating poverty are fully protected. This will also be a new agreement built on the foundation of solid rules based on accountability with strong transparency, review and reporting. It will be an agreement that elevates adaptation, both from the point of view of adaptation and implementation. It would encompass a commitment for large-scale finance would send a potent signal to the global community... So let us focus now and not throw away what we have achieved and what we can achieve. Every issue that people are arguing about here is preserved in the draft elements text. You are not compromising your positions if this text stays neutral on your issues. There are many opposing points of view, for example on differentiation. Our point of view, believe me, does not prevail here in this decision but we know that it is preserved as an option in the elements text. So let us now move forward. I am quite certain that we will

live to regret it if we let perfect be the enemy of the good in Lima,” stressed the US.

Following the reactions of Parties, ADP Co-chair, Runge-Metzger said that “given that there is no consensus in the room, and under our own authority and having heard the different views in the room, my Co-chair and I will transmit the text to the COP President so he may lead consultations to agree on a text that the COP can adopt today.”

Vidal then announced that he would meet with groups of countries through the afternoon and come

up with a draft decision text. Closed-door meetings followed through the afternoon and evening and a draft text was adopted early on 14 December (See [TWN Update 24](#): ‘COP20 concludes with decision, after day of drama’).

The ADP closing meeting also saw the election of two new Co-chairs viz. Ahmad Djoghla (Algeria) and Daniel Reifsnyder (US). The next meeting of the ADP will be in Geneva, Switzerland in February next year.