

Third World Network  
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**TWN**

Third World Network

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## **NOTE**

This is a collection of 10 News Updates prepared by the Third World Network for and during the recent United Nations Climate Change Talks – the eleventh part of the second session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP 2-11) – in Bonn, Germany from 19 to 23 October 2015.

### Developing Countries Introduce Proposals to Rebalance 'Unacceptable' and 'Lop-sided' Texts for Paris Outcome

Bonn, 20 October (Meena Raman) – It was a dramatic and rocky start to the climate talks in Bonn, Germany, which began on 19 October, under the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) of the United Nations Framework Convention on Climate Change (UNFCCC).

Developing countries, led by the Group of 77 and China, made strong calls for the ADP process to allow for the insertion of textual proposals of developing countries to rebalance what they saw as 'unacceptable', 'unbalanced and lop-sided' texts produced by the ADP's Co-chairs for the agreement to be reached in Paris this December.

They were of the view that the texts, referred to as a 'non-paper', could not be the basis for negotiations to begin until and unless there was a balanced text with their proposals reflected.

Developing countries in their interventions expressed their concerns that the text could not be a basis to start negotiations when their proposals were not reflected and the non-paper appeared to be 'lop-sided' in favour of developed countries.

Following a long and intense exchange between Parties and the Co-chairs that first began at the ADP opening plenary and then spilled over to the contact group which convened soon after, all Parties began to introduce their proposals for changes to be made to the first part of the non-paper which contained the Co-chairs' proposed draft of the Paris Agreement.

[The ADP Co-chairs, Daniel Reifsnyder (United States) and Ahmad Djoghlaif (Algeria), had prepared a non-paper dated 5 October which has two parts, comprising a nine-page text for the Paris Agreement which is to take effect post-2020 and a draft decision text of 10 pages which includes a draft decision for pre-2020 actions.]

Following a strong push by developing countries to rebalance the texts, a new document has been issued which integrates the proposals by all Parties to the initial Co-chairs' non-paper. (See more on this below).

Whether this new document will become the basis for negotiations to kick off today (20 October) in the spin-off groups remains to be seen, as the ADP will resume in contact group mode this morning.

Prior to the start of the official talks on Monday, the ADP Co-chairs had bilateral consultations with all Parties and convened a meeting of heads of delegations (HOD) on Sunday, 18 October to consider the initial mode of work at the current 11th part of the second session of the ADP (ADP 2-11) that is taking place from 19 to 23 October.

(According to several senior negotiators, the G77 and China and its various negotiating sub-groups, in their bilaterals with the ADP Co-chairs, had conveyed their strong views that the Co-chairs' non-paper could not be the basis to start negotiations as the texts were unbalanced and did not reflect the views of the developing countries.)

While agreement was reached during the HOD meeting on Sunday to allow interested Parties and their groupings to introduce their 'proposed surgical insertions' in textual form to the non-paper, what was not clear was how the textual changes will be reflected in the Co-chairs' non-paper.

**Ambassador Nozipho Mxakato-Diseko of South Africa**, speaking for the G77 and China at the opening plenary of the ADP, welcomed 'the Co-chairs' willingness to listen to its views on the unacceptability of the non-paper as the basis for negotiations'.

She said that the Group was concerned that the Co-chairs' text 'seems to attempt to rewrite, reinterpret and replace the Convention. It is extremely unbalanced and lopsided, to the extent that

it jeopardizes the interests and positions of developing countries. We therefore concluded that the mandate given to the Co-Chairs was not fulfilled. It is therefore a reassuring sign that our negotiating partners have heard our concerns and that we could agree to a pragmatic solution that would ensure that we are able to move forward to the real textual negotiation with urgency. We wish to note that now, more than ever, we need clarity on the mode of work to avoid further delays due to misunderstandings or misinterpretations of mandates.'

Diseko added that the Group expected that the Co-chairs' text would be reflected on the screen and that there would be a process of 'live editing of the texts'. 'Parties will present their insertions orally and will also submit their inputs in written form to the Secretariat,' she said, adding that 'The reason for this approach is to avoid an exercise through which a compilation text is constructed.' 'As soon as insertions are made, spin-off groups can commence' for negotiations. she said further.

**Sudan**, speaking for **the African Group**, said that its understanding was to have 'live insertions' of text into the Co-chairs' non-paper.

**The Maldives**, speaking for **the Alliance of Small Island States (AOSIS)**, said that an 'injustice' was done to its members by the Co-chairs' text. 'This injustice cannot go unanswered,' it added, stressing that it could 'not accept the Co-chairs' unabashed attempt to write SIDS (small island developing states) out of being recognised as being particularly vulnerable to the adverse effects of climate change'. This, it said, violates the Convention principles and provisions that are the bedrock of our work and must be honoured and rectified immediately.

Reifsnnyder then clarified that his intention is to proceed to hear what the 'surgical insertions will be in order to serve as a point of departure for negotiations to begin'.

**Malaysia**, speaking for **the Like-minded Developing Countries (LMDC)**, said that the G77 and China had made a proposal which could save time and urged the Co-chairs in the name of a Party-driven process to listen to the proposals by Parties and not over-rule them.

**Sudan** for **the African Group** intervened again to stress the need for Parties to be given an opportunity to make 'live-insertions' to the Co-chairs' document which can address the lack of balance in the document.

Reifsnnyder in response said that 'live editing on text was not the agreement from yesterday' (referring to the meeting of the HOD) and said that the agreement was to hear what the surgical

insertions would be to 'relieve the anxiety of Parties so they can proceed to hear what to do with them'.

**The G77 and China** intervened to say that the ADP Co-chair was 'negotiating with us and arguing with us and this was not helpful' as the Group did not want to negotiate with the Co-chairs.

**The European Union** said that it saw the Co-chairs' document as a 'minimalist text' and that it was a 'starting point' although not a 'good starting point'. It said it would be useful to hear what the 'must-haves' should be for a large group of countries before negotiations can start.

In a sharp retort to the ADP Co-chair and to developed countries, **the G77 and China** stressed that it hoped 'we can build mutual reassurances' and that the Group was 'disenfranchised, needing to negotiate back into the process'. Saying that Parties needed to hear first what the insertions would be before deciding on what to do with them was akin to what happened during the apartheid regime in South Africa where (the blacks) 'were told that we need to justify and earn the (right to) vote'. Ambassador Diseko reiterated that the G77 proposal is to get a clear sense of how the surgical insertions will be captured.

Reifsnnyder said that his role was to help Parties and that there was a concern that Parties are not ready to accept and include the insertions for negotiations as they too have concerns. He added that it would be helpful to know how to balance the text.

**Malaysia**, speaking for **the LMDC**, in response said that everyone says that the text is unbalanced and is skewed in a way that excludes the interests of a large part of the developing countries. 'To restore the balance, we are being told that we must show what the major proposals are; what the absolute must-haves should be.' Referring to the ADP Co-chair, Malaysia said 'you suggest that others want to see if (our proposals) can be included or not ... This is a judgement call.'

The LMDC stressed that it too wants to move (in the process) but to do so, 'we need to start with a balance', like 'a two-wheel bicycle that needs the two wheels to move in balance'. So, it stressed the importance of capturing the proposals by Parties and did not accept that others must first agree before this is done, as that is making a judgement on the proposals of Parties.

**Cuba**, supporting the G77 and the LMDC, said that there is a need to rebalance the texts so that an equal playing field for everyone is in place before negotiations can begin, and that is the point of departure.

**Switzerland** wanted the process to limit texts to only ‘major proposals’.

**Antigua and Barbuda** said that at the last session in September this year, the discussions captured by the co-facilitators were not reflected in the Co-chairs’ document and disproportionately affects the G77. (The delegate from Antigua and Barbuda was in fact a co-facilitator in the spin-off group on finance). It stressed that the Co-chairs had not fulfilled their mandate in reflecting the views of all Parties, and that there were no surprises in the proposals of developing countries as everyone knew them. To restore the balance, it wanted all the proposals of Parties reflected in an open and transparent process and for a new text to be ready for work the following day.

**New Zealand** was concerned about the voluminous nature of the insertions.

**The US** agreed with New Zealand and was ‘uncomfortable’ that *a priori*, the text with insertions could constitute a balanced text for all Parties to have a good basis for negotiations. It wanted its proposals to also be reflected in the text.

**South Africa for the G77** said that the key objective is to enable all Parties to be on the same starting line in the race. On concerns that the Co-chairs’ texts will balloon, it said that some have very little of their proposals in the texts, while others have a lot. So, it was important to capture the insertions (to rebalance) on screen.

**The US** in response was afraid that instead of surgical insertions, Parties would bring in their positions and that this would waste time and it did not see the value of going through the process on screen. It said that it made more sense to hear oral presentations to see the whole picture of the proposals.

**Malaysia for the LMDC**, in response to the US and New Zealand, said that the best way was to get Parties to display their proposals electronically and there would be no waste of time as there was no need to orally dictate the proposals, to explain the proposals or to negotiate them (at this stage). It called for a step-wise approach where Parties could introduce proposals article by article. If in some sections there is a ballooning of texts, Malaysia said

that the ‘balloon could be pricked in the spin-off groups’.

In response, Reifsnnyder said that all Parties who had proposals on the non-paper could send their proposals to the Secretariat and when the relevant article is discussed, the proposals can be put on the screen with no edits being done.

When the contact group resumed at 3 pm, Parties began introducing their proposals on the screen in relation to the draft Agreement text, and these were also electronically sent to the Secretariat.

After the proposals were introduced by Parties, **Sudan for the African Group** suggested that the Secretariat could do some technical work on the proposals to show the various options in the text for Parties to look at.

**The US** agreed that there could be a ‘light-touch’ exercise by the Secretariat to help Parties.

Djoghla proposed that the spin-offs could start work on Tuesday based on the material produced from the first day.

**The LMDC** wanted more time to reflect on the various suggestions and wanted more clarity on the exact modality of the spin-off groups. It said that at the last session, there were concerns that the various spin-off groups did not have the same parity. It also stressed that the spin-off groups should be open to observers.

**The G77 and China** requested more time to consult in relation to the proposal by the African Group.

**Brazil** stressed that Parties in the spin-offs should be drafting and negotiating, and it should not be a space for a mere expression of views.

Parties agreed with the Co-chairs’ proposal to convene in a contact group on Tuesday morning, before proceeding to the spin-offs.

At 4 am today (20 October) a new document was issued which is 34 pages, which relates to both the post-2020 Agreement and the pre-2020 decision. A note on the document states that the document integrates views of Parties to the Co-chairs’ non-paper expressed at the first meeting of the ADP contact group at the current Bonn session. It also states that ‘at the request of Parties, the secretariat undertook mechanical light touch editorial changes’.

### Observers Barred as Negotiations Finally Begin

Bonn, 20 October (Indrajit Bose) – Japan has objected to observers' presence in spin-off groups that will negotiate the Paris climate agreement, even as 134 countries in the Group of 77 and China (G77 and China) stressed that negotiations must remain transparent and open to observers.

After an intense exchange on the second day of the ongoing Bonn climate talks the Co-chairs of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) decided that the negotiations would take place behind closed doors and if the issue remained contentious, consultations with Parties would continue.

During the contact group session in the morning of 20 October, Co-chair Daniel Reifsnyder (USA) said that spin-off groups would be closed to observers when he explained how negotiations would unfold for the remaining days of the ADP session in Bonn, which is to conclude on 23 October. Reifsnyder made this statement despite the call made by Malaysia on 19 October to Co-chair Ahmed Djoghlaif (Algeria) that the spin-off groups should be transparent and open to observers. Djoghlaif had responded that they would need more time to consider Malaysia's proposal.

(The Co-chairs relied on an SBI report in para 167 of document FCCC/SBI/2011/7 as the basis for their decision.)

On 20 October, South Africa on behalf of the G77 and China reiterated to the Co-chairs that the spin-off groups should be open to observers. 'The Group of 77 and China requests that all the spin-off and other groups where negotiations on this text take place be open to observers,' said Ambassador Nozipho Mxakato-Diseko of South Africa.

But Reifsnyder said their proposal on closed-door sessions was following the previous approach where spin-off groups were closed to observers and added that the issue needs further consideration.

Diseko responded saying that according to their understanding, if no Parties object to their proposal, the rules allow observers to have access to the spin-offs. 'As G77, we propose they be allowed in,' she stressed.

Speaking to Third World Network after the session, Diseko said that observers are an integral part of the process. 'You will have to live with the decisions we make. We are accountable to you,' said Diseko.

Japan, the only Party to openly object, had earlier intervened to say that they have serious doubts about the effectiveness of opening spin-offs to observers. 'We have short time for very serious negotiations. Every diplomat knows real negotiations cannot happen in front of the public. If we have spin-offs open to observers, we will need another group to do the real negotiations. This is not the time for show, but real negotiations,' said Hideaki Mizukoshi, Deputy Director-General of the Ministry of Foreign Affairs. Mizukoshi incidentally is also tasked as 'Ambassador to non-governmental organisations' in Japan.

Responding to Japan, Diseko retorted that those in the G77 who want observers to be present are real diplomats and they are for transparency.

Malaysia supported the G77 and China and said it has a completely opposite view to Japan and that transparency is not a question of including a clause in climate change negotiations but it is also about the process by which Parties arrive at the text and negotiate. 'Don't be afraid of civil society. We are accountable to them. The civil society organisations have invested a great deal of time, money and intellect. On what basis do we exclude them?' asked Malaysia.

Referring to the negotiations of the Nagoya Protocol on access and benefit sharing under the Convention on Biological Diversity, Malaysia said

the negotiations were done in the full view of CSOs. ‘We urge Japan to have an open mind on this and follow the Nagoya example,’ said Malaysia.

When the contact group resumed after a short break, Reifsnyder justified the decision to keep observers out by reading out the Doha SBI decision as follows: ‘The SBI noted the existing practices with regard to informals. In the event that there is no contact group for an agenda item, the SBI recommended that at least the first and the last meetings of the informals may be open to observer organisations, recognising the right of Parties to keep informal meetings closed.’

Reifsnyder added that he had heard concerns on the issue of including observers and had heard additional concerns on the issue in their bilateral meetings.

In response, Malaysia read out a decision taken at the fourth meeting of the Conference of the Parties in Buenos Aires (decision 18/CP4) as an analogy in support of observer participation in contact group meetings.

Referring to Japan, Malaysia added that it had appealed to the delegate who was the only voice objecting to observer participation. To the Co-chairs, Malaysia said that it did not know who else had raised objections to the Co-chairs (in the bilaterals) and why those objections could not be raised in the open. ‘It was only one distinguished delegate who spoke out in the open and we had appealed to him to reconsider. We don’t know the outcome of that appeal,’ it said.

Malaysia then said, ‘We are talking about attendance in informal groups and you have quoted a decision and if we use as analogy attendance in contact groups, refer to the decision 18/CP4, which deals with intergovernmental and non-governmental organisations.’

(The decision reads: ‘... *the presiding officers of Convention bodies may invite representatives of intergovernmental and non-governmental organizations to attend as observers any open-ended contact group established under the Convention*

*process, unless at least one third of the Parties present at the session of the Convention body setting up that contact group object, and on the understanding that the presiding officers of such contact groups may determine at any time during their proceedings that they should be closed to intergovernmental and non-governmental organizations; ...)*

Malaysia added that the COP decision provided some form of inspiration to Parties to reconsider the Doha decision that the Co-chairs had read out. Malaysia further said that Co-chair Djoghlaif as executive secretary of the Convention on Biological Diversity (CBD) had concluded protocols and would know that the practice (of open meetings) worked very well. ‘This is integral since climate change involves the whole world and not just diplomats. It concerns humanity at large,’ said Malaysia.

Mexico too said that observers are an important part of the process and ‘we would not be doing what we are doing without them’.

Reifsnyder, however, concluded that while the issue of observer participation was important, Parties were in a different phase where ‘we have to move briskly as we have only three-and-a-half days left’. ‘We have to move forward resolutely. The rules of the Convention are clear. We don’t see how we can open spin-offs to observers. If contention remains, we will follow the rules and continue consultations with Parties,’ said Reifsnyder.

Youth delegates from Young Friends of the Earth-Europe and Earth in Brackets immediately staged a protest in the premises against the decision to exclude observers from the negotiations. They carried banners that said ‘*No secret negotiations*’ and ‘*Secret negotiations lead to bad deals*’ and ‘*What have you got to hide?*’

Observers are frustrated that at the behest of Japan and perhaps a handful of other developed countries, the Co-chairs have imposed this ban. This issue has spread over social media and a protest petition titled: ‘*Civil Society Demands: #KeepUsInTheRoom*’ has been launched.

### Textual Negotiations Begin in Seven ‘Spin-off’ Groups

Bonn, 21 October (Hilary Chiew) – After a tumultuous start to the penultimate round of climate talks for an agreement to be adopted in Paris this December, text-based negotiations finally began on Tuesday, 20 October following the establishment of seven spin-off groups.

The intense exchange at the first day of meeting of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) of the United Nations Framework Convention on Climate Change (UNFCCC) was triggered by an unbalanced Co-chairs’ non-paper dated 5 October.

A revised non-paper dated 4 am of 20 October was issued by the Co-chairs as a result of a strong push by developing countries to rebalance the 5 October version. At the opening plenary on 19 October, the Group of 77 and China representing 134 countries expressed strong objections over the initial non-paper being the basis for starting the negotiations until and unless there was a balanced text with their proposals reflected.

(For more details please read TWN Bonn News [Update No. 1](http://www.twn.my/title2/climate/news/Bonn17/TWN_update1.pdf) – *Developing countries introduce proposals to rebalance ‘unacceptable’ and ‘lopsided’ texts for Paris outcome* at [http://www.twn.my/title2/climate/news/Bonn17/TWN\\_update1.pdf](http://www.twn.my/title2/climate/news/Bonn17/TWN_update1.pdf))

[The ADP Co-chairs Reifsnyder (US) and Ahmed Djoghlaif (Algeria) had prepared the 5 October non-paper which has two parts, comprising a nine-page text for the Paris Agreement which is to take effect post-2020 and a draft decision text of 10 pages which includes a draft decision for pre-2020 actions.]

Parties finally began negotiation in four spin-off groups based on the revised non-paper.

Two spin-off-groups – on Workstream 2 (pre-2020 ambition) and technology development and transfer and capacity building – met in parallel from 3 pm and the spin-off groups on mitigation and finance took place simultaneously from 7 pm.

At the open-ended contact group (OECG) meeting in the morning of 20 October, ADP Co-chair Daniel Reifsnyder (the United States) informed Parties that the revised non-paper, which includes ‘inadvertent omissions’, will serve as the starting point of the negotiation on what is to be called the Paris Climate Package.

He said the outcome of the ADP-2-11 scheduled to close on Friday (23 October) will be a revised non-paper on the Paris Climate Package dated 23 October 2015 at 6pm. He further added that the Geneva Negotiating Text (from February 2015) will continue to be the only official document before the Parties until it is withdrawn at COP21 in Paris in December.

Reifsnyder said the approach was based on consultations with Parties in the contact group on 19 October and he wanted to be as clear as possible of the process Parties envisioned going forward and if it would be acceptable to the Parties.

Towards this end, he said Parties will begin negotiations in seven spin-off groups, adding that the OECG will meet on a daily basis to take stock of the revised non-paper and to address issues not allocated to the spin-off groups.

On the suggestion for another spin-off group for Article 2 on preamble and Article 2bis on purpose/general by Malaysia on behalf of the Like-minded Developing Countries (LMDC), Reifsnyder said ‘if it is the will of Parties to have an additional spin-off group, we can establish that’. He further suggested taking up the matter in the OECG in the morning of 21 October.

Following feedback of Parties, when the contact group resumed after a 30-minute break for groups and Parties to coordinate, it was decided that the seventh group will cover not only Article 11 on facilitating implementation and compliance but all the final clauses of the Draft Agreement from Article 11 to 26.

The spin-off groups will also consider the paragraphs of the draft decisions of COP21 relevant to the Articles allocated to them (from the draft agreement text). The list of suggested paragraphs of the decisions will be posted on the website later in the day. Paragraphs not assigned to the spin-off groups will be considered by the OECG.

The spin-off groups are:

1. The draft decision on Workstream 2;
2. Article 3, *3bis* and *3ter* on mitigation;
3. Article 4 and 5 on adaptation, and loss and damage;
4. Article 6 on finance;
5. Article 7 on technology development and transfer and Article 8 and *8bis* on capacity-building;
6. Article 9 on transparency of action and support;
7. Article 11 to 26 on final clauses.

To Parties seeking clarification on the modalities of the OECG, Reifsnyder said that the mandate of the spin-off groups is to have text-based negotiations on the Article(s) allocated to them with text on the screen and the role of facilitators will be to facilitate the direct interaction among Parties, adding that the mode of work of the spin-off groups will also apply in the OECG.

The co-facilitators will report on a daily basis to the OECG between 5:30 pm and 6 pm. The OECG is scheduled to meet daily at 10 am and 3 pm. The first stocktake will be from 10 am to 10:30 am on 21 October.

The document outlining the agreed mode of work for this session is available [here](http://unfccc.int/files/bodies/awg/application/pdf/oecg_notes_october_20_2015_ver3.pdf) – [http://unfccc.int/files/bodies/awg/application/pdf/oecg\\_notes\\_october\\_20\\_2015\\_ver3.pdf](http://unfccc.int/files/bodies/awg/application/pdf/oecg_notes_october_20_2015_ver3.pdf)

However, Reifsnyder caused a controversy when he said spin-off groups will be limited to Parties only and observers would not be allowed to be present. (See TWN Bonn Climate News Update No. 2: *Observers barred as negotiations finally begin* [http://twn.my/title2/climate/news/Bonn17/TWN\\_upd\\_ate2.pdf](http://twn.my/title2/climate/news/Bonn17/TWN_upd_ate2.pdf))

**Ambassador Nozipho Mxakato-Diseko of South Africa, speaking for the Group of 77 and China (G77-China)**, welcomed the opportunity for Parties to reflect on whether we are on course towards our shared objective of producing a document by the end of this ADP2-11 that can serve as the agreed basis for our work here in Bonn and in Paris.

She said such a document would present the key issues of importance to all Parties in a concise and balanced manner, in accordance with the format proposed in the draft Paris Agreement in the Co-

chairs' non-paper. It would further clearly set out a limited number of options, where necessary, to enable decisions to be made at a later stage in the negotiations.

She noted that substantive progress was made at the OECG on 19 October towards this shared objective as Parties submitted their proposals with a view to correcting imbalances and omissions in the Co-chairs' text. She further welcomed the constructive spirit in which the work was carried out and underscored that she was particularly pleased that fears that the document would expand out of control were laid to rest. (The revised non-paper has increased from the initial non-paper of 20 pages to 34 pages.)

'The G77-China was able to present strong and concise common positions on a wide range of issues and is fully committed to continuing to demonstrate leadership throughout this session,' she added.

Mxakato-Diseko further noted that she is pleased to inform that following consultations, the G77-China supported the African Group's proposal for the Secretariat to conduct a 'mechanical light touch editing' of the Draft Agreement in the non-paper, including all the proposed additions submitted by Parties to further expedite the work.

Noting that some proposals made by members of the Group have not been reflected, she requested that (G77) coordinators be allowed to raise these omissions in the facilitated discussions in the spin-off groups when the texts in question are discussed.

The Group also requested that scheduling of spin-off groups be done in a manner that would not create difficulties for smaller delegations. For example, the spin-off groups on adaptation and loss and damage should not take place in parallel and neither should spin-off groups on purpose, mitigation and the global stocktake occur in parallel.

It is also necessary, said Mxakato-Diseko, that we have clarity on the mode of work of the spin-off groups and that they follow the same methodology to avoid uncertainty and further delays.

She further requested that all the spin-off and other groups where negotiations on this text take place be opened to observers and that time be provided for coordination (of groups and sub-groups) as they would be time well spent.

The Group, she concluded, is committed to work in a disciplined and united manner as the urgency of reaching a balanced and fair agreement to respond to climate change cannot be underestimated.

**Representing the Least Developed Countries (LDCs), Angola** said Parties should not assume that the draft decision text will be discussed at the OECG

but instead the relevant paragraphs could be relegated to the (respective) spin-off groups. (This suggestion supported by several others was later adopted by the Co-chairs in the updated mode of work for the spin-off groups to consider the relevant paragraphs of the draft decisions text.)

**Sudan speaking for the African Group** approved the use of the ‘mechanically light touch document’ as the starting point for negotiation but would need clarity on whether there would be drafting or negotiation on the revised non-paper in the spin-off groups. In order to save time, it would discuss the omission of the Group’s missing proposals in the spin-off groups.

**The Marshall Islands representing the Alliance of Small Island States (AOSIS)** expressed concern that its proposal to bring the long-term temperature goal into Article 2 paragraph 1 which is the operative part of the Draft Agreement has not been reflected and it would like to see it in the next iteration of the text. It also wanted to bring in specific text for markets in the mitigation section.

**Bolivia** was deeply disappointed that despite presenting its ‘surgical input’ on the text (on 19 October at the OECG), its proposal was ignored again particularly on the use of joint mitigation and adaptation for the integral and sustainable management of forests as an alternative to results-based payment.

It also wanted clarification on the transfer of its amendment for paragraph 34 of the draft decision regarding mechanism to support sustainable development in a non-market-based approach to the Draft Agreement which has a market-based approach instead.

To this, Reifsnnyder said it was an oversight and there would be no problem correcting it.

**Kuwait speaking for the Arab Group** said with respect to Workstream 2, that having read the revised non-paper, none of the Group’s textual insertions was captured. However, it is ready for the spin-off group but it wanted assurance that its textual insertions had been received and would be inserted.

Co-chair Reifsnnyder replied that it could be brought to the spin-off group.

**Saudi Arabia representing the Like-Minded Developing Countries** also said that for Workstream 2, its textual insertion on means of implementation and the launching of the Accelerated Implementation Process for the pre-2020 period was not captured.

Reifsnnyder responded that the Workstream 2 text was dealt with lightly and the issue can be taken up in the spin-off group.

**Brazil** cautioned Parties against inflating the text in the spin-off groups but rather use the opportunity to engage substantially in bridging proposals and avoid maximalist suggestions and incorporating national positions. It noted that it is important to have this clarity for the co-facilitators to find landing zones and possible consensus.

**Turkey** said the contribution of Parties in a constructive manner has resulted in a fair text and it is prepared to engage in developing a concise and balanced text that does not promote national but all interests.

**Australia speaking for the Umbrella Group** agreed with working in spin-off groups but stressed for the end of the session to have clear, concise text that would lead to landing zones. It noted that the texts reflect varying degrees of convergence and the spin-off groups would let Parties find convergence. However, Parties should not be confined to the text and should rely on co-facilitators’ guidance.

**Switzerland representing the Environmental Integrity Group** said owing to the surgical insertions of 19 October, ‘we now have text that is clearly our text’. It noted that just like the G77-China, some submissions by its own members were not reflected but hoped to reflect them in the spin-off groups. It said it is important to have a good understanding of how progress will be captured in a rolling document.

**The European Union** said although the discussion was constructive in a positive spirit and built confidence in moving forward, it was not its preferred method. The work of the Secretariat was helpful and it was grateful for Sudan’s suggestion for the Secretariat to crystallise the options but there is still a long way to go for an agreed basis for negotiation. It said it focused on the big picture and did not raise all its points but it would make further surgical insertions (in the spin-off groups).

**Norway** agreed that Parties need to get into text-based negotiation but underscored the need to retain flexibility. It said that line-by-line negotiation may not be the best way forward as some closely linked issues are best dealt with in chunks. It expected the co-facilitators to direct negotiation and to capture progress.

## **COP Presidency activities**

At a lunchtime event on 20 October, French minister Laurent Fabius acknowledged the revised text as the strengthening of different components in good spirit to deliver good text for the Paris discussion.

He said this at the one-hour open-ended informative dialogue on COP Presidential activities by the Presidency (Peru) and in-coming Presidency (France).

‘We need progress in Bonn for success of Paris. (The text) has to be clear, concise, equitable, balanced and ambitious. Hopefully the text would close some important issues and identify a number of remaining key political issues,’ he added.

Fabius said that together with the French President (Francois Hollande), Heads of Government have been invited to attend the first day of the Paris Conference of Parties with the idea of them giving political impetus to the meeting. There were a lot of discussions and having Heads of States at the end of the meeting could be counter-productive, he added.

He further said that the 154 Intended Nationally Determined Contributions (INDCs) delivered from countries representing about 86% of global GHG emissions meant there is growing awareness and a sense of commitment.

To Mexico’s question on the result of the finance ministerial meeting in Lima recently, Fabius said an obvious concern was that the share of finance for adaptation was rather low and several countries and multilateral banks had said that they would increase their finance on adaptation and that there are ways to get to the US\$100 billion a year by 2020 (pledged by developed countries at the Cancun COP in 2010).

To Colombia’s question on what are the main topics that ministers will address at the pre-COP ministerial, Fabius said the theme would depend on the work that Parties deliver (in the current session in Bonn).

Referring to the success of the Lima COP, South Africa speaking for the G77-China expressed confidence that France will live up to the expectation of the world in ensuring inclusivity as it leads the complex Party-driven process.

The European Union (EU) said it was heartened by the number of INDCs which showed political

determination across the world and willingness of different governments to transition to a carbon-resilient and low-carbon future.

It said while the INDCs clearly do not meet the objective of staying below 2°C temperature rise it reckoned it has already curbed the dangerous trend and that with the right political courage, we have the possibility to design an agreement that is fit for the future with dynamic features that build transparency and trust.

The EU asked what Heads of States could do to facilitate the findings of a fit-for-future agreement in Paris through the negotiation process and other avenues outside the process and ensure that the spirit and groundswell of engagement is maintained and secured for going forward.

Fabius replied that it would help if those who have not published their INDCs do so. He also said there are lots of meetings such as the G20 whose memberships include important emitters and the meeting of the Commonwealth in the Maldives that could deliver a positive message on this subject.

He also noted the preparation of the synthesis report of the UNFCCC Secretariat on the INDCs and that while we are not going to a 4, 5 or 6°C world, it would also not be 2°C temperature rise, hence presenting a problem to be solved.

On the Lima-Paris Action Agenda, which focuses on non-state actors’ role, Fabius noted that it would not replace the commitment of governments but the very nature of climate change meant the problem cannot be dealt with by governments alone.

To a question by Iran on the importance of Workstream 2 in relation to the contributions of Annex 1 (developed country Parties) for actions in the pre-2020 period and the importance of (the outcome) in Workstream 2 in paving the way for a successful outcome of Workstream 1 (the Agreement), Fabius said there are elements that can feed the pre-2020 actions and that the work in this short term is very important, acknowledging that it is a major element for success in Paris.

### Parties Express Concern on Slow Pace of Negotiations

Bonn, 22 October (Indrajit Bose) – Negotiations continued in spin-off groups behind closed doors on day three of the ongoing climate talks in Bonn. The pace of negotiations was reported to be slow by all the co-facilitators in charge of the spin-off groups in their report back to the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) under the Convention.

The 11th part of the second session of the ADP is meeting from 19 to 23 October in Bonn. The ADP is co-chaired by Ahmed Djoghlaif (Algeria) and Daniel Reifsnyder (USA).

Laurence Tubiana, the Special Representative of the French Minister of Foreign Affairs, spoke for the incoming COP Presidency (France) and expressed concern on the pace of negotiations and the mode of work followed in the spin-off groups. ‘I am concerned about the reports I hear from the spin-offs. I don’t think this way of working will lead us to success in Paris,’ said Tubiana at the first spin-off stocktake session on 21 October. Getting to a good result in spin-offs with clear and consolidated text with only a few options open for ministers, that is the only way to get to success in Paris, she stressed.

To the Parties, she said, ‘There is no Plan B, only Plan A. You wanted ownership. You got the ownership. It is in your hands. Let’s get to business and find a solution that works. We can’t wait till Paris. We have to find a solution now,’ said Tubiana.

The Group of 77 and China (G77 and China) proposed a clear mode of work for the spin-off groups, which was largely accepted by Parties, including the European Union and the United States. South Africa speaking for the G77 and China noted the need for constraint by all not to produce new text and ideas at this stage.

‘We need a text by the end of the week that we can take to Paris as a basis of negotiations in which many issues are agreed. This text must also reflect

areas where we have not been able to reach consensus with clear options for our political principals. However, we cannot leave it up to ministers to do the work of negotiators. It is negotiators that need to reach consensus on most issues, leaving only the highly sensitive political issues for ministers to resolve,’ said South Africa.

On the mode of work in spin-offs, South Africa said facilitators were approaching the text line by line, while in others space was being given to more conceptual discussion and the facilitators were assisting the Parties to organise the text. Outlining the Group’s proposal on the mode of work, South Africa said that the mandates should be given to co-facilitators to order and streamline the text. Parties should be given the opportunity to make their own streamlining proposals. Co-facilitators should also be allowed to identify options and reflect it in the text for Parties to consider, said South Africa. It stressed that it is ‘critically important’ that the spin-off groups follow the same methodology, in order to avoid uncertainty and further delays. The need for a common understanding on the mode of work is essential. South Africa also said that the ‘constructive and restrained manner’ in which the Group has engaged in the different spin-off groups has demonstrated their commitment to work in a disciplined and united manner to reach a balanced and fair agreement.

The EU supported the G77 and China’s proposal on the mode of work and said that progress had been far too slow and would not get Parties to where they need to be by the end of the week. The US also supported the G77 and China’s proposals on the mode of work.

Co-chair Ahmed Djoghlaif also encouraged Parties to come up with bridging proposals and to reach out to each other in a spirit of compromise. He said that the facilitators were at the service of Parties

and they would do whatever is mandated but that they would need some more time to come up with bridging proposals.

Tubiana took the floor again to say that South Africa had responded to her concerns. 'There is no opposition from Parties. For the sake of time, if you could have a clear ruling, we could begin work now,' said Tubiana to the Co-chairs.

In response, Djoghlaif said to Tubiana that his was a 'definitive response'. 'You cannot expect facilitators of spin-off groups on transparency and adaptation and loss and damage (which were scheduled right after the stocktake) to do this now. But we will do it. It's a demonstration to help us to do what we are supposed to by the end of this week,' he said.

Following the stocktake in the morning of 21 October, an open-ended contact group on Article 1 of the draft agreement titled 'definitions' and spin-off groups on preamble, transparency (Article 9), adaptation and loss and damage (Articles 4 and 6), finance (Article 6) and Workstream 2 convened working till late evening. (On 20 October, spin-off groups on mitigation, finance, technology development and transfer and capacity building, and pre-2020 climate action or Workstream 2, were held.)

Some 'informal-informals' were also held among Parties to come up with bridging proposals and there was a stocktake session again in the evening at 6.15 pm where co-facilitators reported on the progress made in the spin-offs on 21 October (see separate Update on the spin-off groups).

(Observers were allowed at the stocktake and open-ended contact group discussions on Articles issues and elements not allocated to spin-off groups.)

During the second stocktake, South Africa spoke for the G77 and China and said that while it was pleased that work had started in earnest, the guidance to the co-facilitators had not been implemented. It said that this should be done for the spin-offs scheduled for 22 October.

Russia said that the picture painted at the stocktake was too 'rosy' and that progress in the spin-offs was 'well below expectation'. The spin-offs are nothing more than a compilation of text, added Russia, calling for text-based negotiations rather than having general discussions.

It was decided that there would be two further spin-offs (from 7 pm to 9 pm) on global stocktake (Article 10) and Articles 12-26 of the draft agreement. The next stocktake is scheduled for 6.15 pm on 22 October.

### Differences Continue to Brew behind Closed Doors

Bonn, 22 October (Indrajit Bose) – Parties expressed concern at the mode of work in the spin-off groups, and the G77 and China presented concrete proposals on it but the pace remained slow in the spin-off groups.

Some developed country Parties still want to have conceptual discussions; Parties are adding new proposals, leading to limited progress in the spin-offs.

Negotiations continued in spin-off groups through 20-21 October at the ongoing climate talks in Bonn, taking place on 19-23 October.

Below is a snapshot of what happened in the spin-offs as reported by the co-facilitators at the stocktaking session on 21 October and also from those close to the negotiations.

#### Mitigation

Franz Perrez (Switzerland), lead co-facilitator for the mitigation spin-off, reported to the Ad Hoc Working Group on the Durban Platform for Enhanced Action under the Convention (ADP) that Parties were first given the opportunity to identify whether there were any omissions of Parties' proposals in the text. He said that some Parties asked for changes to be included. He also said that the group discussed the paragraph on long-term goal, but Parties could not agree on it. He said he had invited Parties to develop clear options and hand in bridging proposals. He further said that he sensed disappointment in the room owing to either negotiations not progressing fast enough or the lack of time to look in-depth into all proposals.

Sources told Third World Network that developed countries introduced new concepts such as 'climate forcers' to the paragraph and other elements which led to further disagreements. There were two broad options emerging, one with a

quantifiable target and another option that alluded to an aspirational goal with no timing of how the long-term goal could be achieved. It was obvious Parties could not reach consensus, said a developing country negotiator. Sources also said that the EU suggested that since Parties would not be able to solve the problem here (in Bonn), it was best to tease out options for the ministers or the heads of delegations to resolve. The speakers' list could not be concluded on 20 October and the mitigation spin-off group will resume at 10 am on 22 October.

#### Adaptation and Loss and Damage

Andrea Guerrero (Colombia), lead co-facilitator for adaptation and loss and damage, in her report back to the ADP said that Parties had done a first reading and had discussed paragraph by paragraph at the spin-off. There were proposals to bring back text from the Co-chairs' initial non-paper and the spin-off also discussed language on the link between adaptation and mitigation and on including language on human rights and gender. She said consultations on some of the issues discussed would continue.

On loss and damage, Guerrero said that Parties had finished the first reading and agreed to delete the option present in the Co-chairs' text and had introduced language on loss and damage. She expressed concern on the pace of negotiations and said that there was little consolidation. 'Text has grown and we have many paragraphs,' she said, adding that this method was not taking Parties towards a short text. She urged Parties to work together on bridging proposals.

According to sources, Switzerland had initially suggested that the text on loss and damage be bracketed and Canada had inserted a 'no-option' for loss and damage in the agreement. However, the G77

and China stood united on the issue of loss and damage in that they see it as an integral part of the agreement.

## **Finance**

Georg Borsting (Norway), co-facilitating the finance spin-off group, said in his report back at the stocktake that Parties had first identified missing elements and that some Parties had called for text inputs to be reflected in the text. He said Parties would hopefully be able to continue discussions outside of the spin-offs and added that there would not be enough time for negotiations on the text if Parties don't engage bilaterally and come up with bridging proposals.

He also said conceptual discussions had taken place on sources, scale, balance of thematic funding and action taken by Parties. He added that the co-facilitators would prepare a new iteration for the finance section of the text, which would reflect discussion of the two days and which would include proposals on streamlining.

A developing country negotiator however expressed concern over the US's approach in the finance spin-off group. 'They say they are not running away from their responsibility but that the new agreement must reflect new realities and the world has changed considerably since 1992 when the Convention was signed,' the negotiator said. 'The EU is of the view that contentious issues in finance should be left to the ministers to handle. The central question in finance is who provides what for whom,' according to the negotiator.

The finance spin-off also tackled sources and scale and Switzerland objected to a 50:50 allocation for mitigation and adaptation, and said it did not want to use a number since it is a durable agreement, the negotiator said.

## **Technology development and transfer, and capacity building**

Artur Runge-Metzger (the EU) reported to the ADP that the co-facilitators had requested Parties to submit their proposals that have been omitted from the text.

According to sources, the general sentiment was that the negotiations should be based on the 'surgical insertions' provided by Parties on 19 October; however the co-facilitator did allow for new insertions. One developing country delegate said that a group of developed countries had asked for the removal of references to certain Articles and

paragraphs in the Convention but this was objected to by developing countries.

Norway reportedly submitted a new paragraph to say that all Parties should work on enabling environment to attract private sector for business. 'The present text has a formulation, but they elaborated it in the form of a new paragraph,' said a developing country negotiator.

'The other partners did not engage constructively to address barriers and wanted to talk further (on concepts). We had sufficient discussions on concepts at ADP 2-10 (the previous ADP session held from 31 August to 4 September). Developed countries were expanding text with new language, which did not prove helpful,' the negotiator said, adding that a key grouping of developing countries suggested that Parties go for screen-based live editing and collapse options but it was eventually decided that Parties would meet informally and come up with bridging proposals.

Another developing country delegate said that a group of developed countries had asked for the removal of references to certain Articles and paragraphs in the Convention but this was objected to by developing countries.

On capacity building, developing countries provided options to reflect differentiation in one of the paragraphs. However, since the speakers' list was not closed, discussions would resume at the next spin-off group on technology and capacity building.

## **Transparency**

Fook Seng Kwok (Singapore), the lead co-facilitator for transparency, said that the spin-off group dealt with capturing inputs from Parties first and then moved to substance. They also had a quick thematic overview of what each paragraph dealt with and one proposal was made to collapse options. He said differences remained on whether the transparency system should remain differentiated. He also said that Parties had assigned work to the co-facilitators to also work on presenting some options for streamlining text to Parties at the next spin-off.

'There is a different understanding of transparency among our partners,' said a developing country negotiator and added that to bridge proposals, they went into an informal-informal setting. 'We discussed differentiated transparency system and came up with four clear options. We have also asked the co-facilitators to bridge some proposals,' the negotiator said, adding, 'The mood in the room was constructive and certainly way better than that in mitigation.'

## **Workstream 2 on pre-2020 action**

Aya Yoshida (Japan), the lead co-facilitator for Workstream 2, said Parties had decided to go line-by-line of the Workstream 2 draft decision. She added that Parties would come up with bridging proposals and that they would consider the Technical Examination Process (TEP) on Adaptation. In the spin-off group on 21 October, adaptation experts were present along with the Co-chair of the Adaptation Committee, Juan Hoffmaister (Bolivia), who briefed Parties on the work of the Committee, said Yoshida in her report back to the ADP. She also said that the co-facilitators had taken note of Parties' proposals to consolidate parts of the text where they saw convergence or divergence. She added there was a strong desire among Parties to engage offline to crystallise options and streamline text.

Speaking to TWN, a developing country negotiator said, 'Developed countries wanted to discuss thematic areas whereas we said we should begin from the preamble. We spent a lot of time just explaining why we need a technical examination process on adaptation. We also said that for

Workstream 2 it is not up for negotiations since the negotiations had already been done. Workstream 2 is for implementation to address the implementation gap that exists as a result of developed countries not fulfilling their commitments.' Another negotiator told TWN that it was a 'waste of time' as no real negotiations happened. Yet another delegate said that 'we were consumed in conceptual discussion'.

As some of the information from within the spin-off groups trickled out, many observers said that it was clear why Japan, part of the Umbrella Group of countries, wanted the spin-offs to remain closed to observers and why the European Union had remained silent to the call of the G77 and China and Mexico to open up spin-off groups to observers.

There was an action on 21 October morning organised by civil society organisations to protest the Co-chairs' decision to lock out observers from spin-off negotiations followed by a press conference that included Mali on behalf of the African Group, the Maldives on behalf of the Alliance of Small Island States and the Democratic Republic of Congo (who is also a co-facilitator of a spin-off group), CSO and trade union representatives.

### Parties to Decide on Mode of Work to Paris

Bonn, 23 October (Indrajit Bose) – There was considerable confusion at the stocktake session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action under the Convention (ADP) on 22 October evening when the meeting began without the heads of delegations of the G77 and China being present in the room.

The group had also convened to discuss a proposal sent by the ADP Co-chairs earlier in the day on the organisation of the remainder of the 11th part of the second ADP (ADP2-11) session that is meeting on 19-23 October in Bonn. The Co-chairs are Ahmed Djoghlaif of (Algeria) and Daniel Reifsnnyder of the United States.

In their proposal, the Co-chairs had said that the co-facilitators of the spin-off groups would be available beyond 9 pm on 22 October and the spin-offs would continue their work on 23 October until lunchtime. The consolidated text of the draft agreement and draft decision would be made available to the Parties at 2 pm.

The Co-chairs also proposed to convene a meeting of heads of all delegations at 3 pm to consider the consolidated text and the way forward. The open-ended contact group as well as the closing session of ADP2-11 would be convened immediately after the adjournment of the heads of delegation meeting.

The Co-chairs had sought the views of the G77 and China on their proposal and to indicate if the approach was acceptable to the Group. Heads of delegation from the G77 and China were meeting to discuss this and had requested for extra time to be able to reflect on the Co-chairs' proposal and discuss it at the stocktake. However, Djoghlaif started the session without waiting for the heads of delegation to return and developing country Parties expressed their disappointment at having been left out of the stocktake where co-facilitators from the spin-off groups reported back to the ADP on the progress

made at the spin-off groups.

The spin-off group reports showed progress in varying degrees. While the co-facilitator for finance was not happy about the progress made at the finance spin-off and said that 'the work was put on hold if not reversed', the co-facilitator for adaptation and loss and damage said there had been a marked improvement compared to the previous day (see report back from the spin-offs below).

Following the reports, Djoghlaif said he was happy with the progress made and asked of the Parties to make the best use of time left, and read out the plan for the spin-offs for the rest of the evening. He also said that the facilitators and the meeting facilities would be available to Parties up to the 'maximum' time possible.

Soon after the reporting, the Russian Federation said it disagreed with the reports of the co-facilitators and the Co-chair's notion of 'fantastic progress'. While this statement led to an outburst of laughter, the Russian Federation delegate said, 'This is not a joke. My delegation's report back of the spin-off groups to me is quite different.' He reminded the Co-chairs of the report of the finance co-facilitator and added that an unnecessarily rosy picture had been painted, which was not conducive for elaboration of the way forward. The Russian Federation also sought clarity on the way forward after the stocktake and for a sense of timeframe for the spin-offs for the evening. In response, Djoghlaif said that he thought it was fantastic progress because Parties wanted to use the time very efficiently.

Ambassador Nozipho Mxakato-Diseko of South Africa was breathless as she took the floor for the G77 and China to intervene (since she had come running from the coordination meeting of the heads of delegation of the G77 and China upon hearing that the stocktake session had already started). 'We are committed to ensure that now more than ever we need to build more trust among Parties and also

in the Co-chairs. We were meeting to consider the proposals sent to us by the Co-chairs with well-considered views that would facilitate trust and finish the work. However, the meeting (the stocktake) started and we wonder whether our views still matter,' said Diseko.

Venezuela said it was 'shocked' at a process where the stocktake had started without the G77 heads of delegation being present and which reflected the imbalance.

In response, Djoghlafl said the stocktake was scheduled at 6.15 pm (whereas it was listed to be at 6.30 pm as per the posted schedule) and the Co-chairs had received a request that the stocktake be pushed till 7 pm. 'At 7 pm, other groups were here and we were told that it was a meeting of the heads of delegation and not all of G77 and through the Secretariat we informed that we are eager to start because we heard Russia say they have a problem to go beyond 9 pm. So we waited. We have not discussed our proposal,' said Djoghlafl, adding that only the report back from the spin-offs had been undertaken until then and no new information was shared.

Apologising to Diseko for the miscommunication, Djoghlafl further added that the issue of trust had been raised. 'It is not about trust. We are doing our job and we will continue. The problem is trust among Parties. There is no plan B. We are responsible for the management of the meeting. The issue is the clock is ticking and we have only this session,' he stressed.

Djoghlafl further proposed that they break for the G77 and China heads of delegation to coordinate and for the spin-offs to continue as scheduled. The stocktaking could reconvene after the G77 and China had concluded discussions on the Co-chairs' proposal. This proposal was acceptable to the G77 and China and Diseko stressed that observers should be present when they reconvene.

(Earlier during the ADP session, a decision had been taken at the behest of Japan to keep the spin-off groups closed to observers even though the G77 and China as well as Mexico were supportive of the sessions to be kept open. See [TWN Update 2: 'Observers barred as negotiations finally begin'](#). The European Union and other developed countries have so far remained silent – not openly objecting nor supporting observer presence in spin-off groups.)

Diseko also said that Parties were doing the best they could and 'no one should insert or connote into Parties a level of mistrust that is non-palpable'.

While Parties thought they had reached an agreement for the stocktaking to reconvene, there

was further confusion when Djoghlafl retracted from his statement and said that he did not think there was a need for another stocktake. South Africa raised its flag and sought clarity on this turnaround. 'In your conclusion you said we will not have another stocktake this evening. But we thought you said a stocktaking would happen later with the observers allowed into the stocktake. Please clarify,' asked South Africa.

Venezuela said it would be 'strict' given that the interests and views of the Parties were at stake. 'We don't want a repetition of the things we have seen before,' said Venezuela with the warning that there should be no 'surprises' in Paris. Venezuela also expressed its 'strong reaction' on the decision to not allow observers in negotiating rooms. 'We cannot have an agreement without people,' it said, adding that while presidents and ministers were attending different meetings making statements about the inclusion of civil society it was unacceptable that observers were not being included at this stage of negotiations. 'We are disappointed with this. We have seen this move. There is never a good second part to a movie. This will be a really nasty Copenhagen opportunity,' said the delegate from Venezuela.

Speaking for the Africa Group, Sudan reflected on the mode of work. It said that the group had exercised utmost discipline with minimal text insertions. It expressed concern over how work was proceeding and on the injudicious use of brackets in the text. 'We should stay true to the collective mandate to request the co-facilitators to reorganise and reorder the text and propose ways to make the initial compilation more manageable. There is value in having spin-offs today and tomorrow, but we need clarity. Some Parties presented no-text options and it is quite important that we have a clear understanding of how we treat those issues. It is difficult to negotiate a no-option,' said Sudan.

It also called on the co-facilitators to focus on paragraphs that could be easy wins and focus on substance to ensure Parties left the session with what could be a basis for negotiations. Sudan said it needs absolute clarity with regard to the mandate 'we collectively agreed on and treat these difficulties'.

In a new proposal to resolve the confusion, South Africa said to let the co-facilitators work and for stocktake to convene on Friday 23 October while the G77 would resume discussions on the way forward. It was decided that there would be a stocktake at 10 am on 23 October where Parties would discuss the way forward.

Following are the highlights of the report back of the co-facilitators from the spin-off groups:

### **Technology and capacity building**

Artur Runge-Metzger (the European Union), lead co-facilitator for capacity building, in his report back said that Parties were making progress and meeting in informal settings to accomplish a ‘full reading’ of the draft agreement and decision text. Based on the negotiations, the co-facilitators would prepare a revised clean draft with the help of the secretariat, which would be made available on 23 October.

### **Compliance**

Sarah Baashan (Saudi Arabia), lead co-facilitator for compliance, said in the two spin-off groups held, Parties had incorporated text proposal that was unintentionally omitted and then new proposals were added. Parties also began to explore options for streamlining to better present the options and based on the spin-offs, Baashan had proposed an alternative structure on compliance paragraphs, which further clarifies options and presents further options for streamlining and merging.

She said that while Parties expressed views on several provisions, they were not able to bridge proposals on how differentiation should be reflected. She added that Parties would continue in an informal-informal setting following the stocktake session. She urged Parties to continue consultations with the aim of finding common ground and bridging proposals.

### **Mitigation**

Franz Perrez (Switzerland), lead co-facilitator for mitigation, said Parties were working in an informal setting to set out clear options and present clear text. He added that the co-facilitators would present text only for those areas where Parties would not present proposals. He also said that the decisions text on mitigation was yet to be worked on.

### **Transparency**

Fook Seng Kwok (Singapore), lead co-facilitator for transparency, said Parties had crystallised different options and agreed to replace text from the Co-chairs’ non-paper. A revised version would be issued for the consideration of Parties at their next meeting on 23 October.

### **Workstream 2 (pre-2020 actions)**

Aya Yoshida (Japan), lead co-facilitator for Workstream 2, said the co-facilitators had released a revised text on 21 October and a table that identified clusters within the text and opportunities for streamlining on 22 October. She added that Parties would meet following the stocktake and they intended to make available this streamlined text by 8 am on 23 October.

### **Preamble**

George Wamukoya (Kenya), lead co-facilitator for Preamble negotiations, said Brazil had taken the lead in drafting and the discussions were constructive and that progress was made. The plan is to put the results on the website and for further consultations at the next meeting. He said his hope is that Parties would continue to engage and come up with bridging proposals.

### **Finance**

Georg Borsting (Norway), lead co-facilitator for finance, said Parties had discussed text proposals and they felt that progress was put on hold, if not reversed. He encouraged Parties to continue to be productive and to continue discussions bilaterally.

### **Global stocktake**

Roberto Dondisch (Mexico), lead co-facilitator for global stocktake, said Parties had had good discussion in a ‘supportive environment’. He said that Parties had asked of him to put text where similar concepts were clustered and present options for divergences. Parties would discuss the decision text on 23 October.

### **Adaptation**

Andrea Guerrero (Colombia), lead co-facilitator for adaptation and loss and damage, said she was happy that adaptation was back on track and that they had very fruitful discussions on 22 October. Parties showed a very cooperative attitude and showed utmost restraint in what they provided and made the best effort to get into a first reading, she said. She added that Parties completed a first reading of the agreement and the decision text and had asked of the co-facilitators to come up with streamlined text. Parties would see progress reflected in documents online, she said.

### Finance ‘Yardstick of Success’ of Paris Agreement, Says G77 and China

Bonn 23 October (Hilary Chiew) – In a frank response on the exclusion of civil society participation in the ongoing climate talks, the chair of the Group of 77 and China (G77-China) said it was done so that developed country Parties can escape scrutiny as negotiations proceed, especially on finance.

‘The one reason I can point out, unless I am wrong, is that beneath the darkness where there is no scrutiny of civil society ... the hope is that our will, will be bent so much that we (get) tired and give up and the issue is resolved by announcement externally but has nothing to do with reality of what is required by the Convention to save the environment for future generations,’ said Ambassador Nozhipo Mxakato-Diseko of South Africa, who is the G77-China spokesperson.

(Several developed country delegates told Third World Network that there are some Parties that will not negotiate if observers are in the room.)

At a press conference on 22 October, Ambassador Diseko stressed that developing countries had given their common position on finance in the core agreement (for adoption in Paris). However, throughout the negotiations, developed country Parties have not negotiated, in the hope that finance will be dealt with outside the agreement where developing countries are weakest and it translates into ODA (official development assistance) as opposed to the obligations that developed countries must fulfil under the United Nations Framework Convention on Climate Change (UNFCCC), she said.

She added that not wanting civil society inside ‘is in the way they will get away with it ... that so much has been raised but in the agreement there is nothing on finance’, referring to the claim made by the recent OECD report that US\$60 billion had been distributed as climate finance.

(The OECD report titled ‘*Climate Finance in 2013-14 and the USD100 Billion goal*’ was released on 7 October 2015. This has been widely criticised for not reflecting the reality of the flow of climate finance to developing countries.)

Diseko also dismissed the political narrative of ‘the world has changed since the adoption of the UNFCCC in 1992’ as simplistic and one that ignores the legal obligations of developed countries to provide support to developing countries.

She appealed to the media fraternity to understand that there is a legal instrument in place (the UNFCCC) and that Parties are developing an instrument to enhance the implementation of the Convention under the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP). (In a dialogue session with civil society organisations and other observers later the same day she stressed the importance of fair and balanced reporting of the G77-China’s positions and concerns by the media.)

‘The narrative we have been given is that the world has changed and it is time to expand the pool of so-called donors of climate aid and to narrow the list of eligible developing countries to receive support. There are no donors (and) no aid in the Convention but there are obligations. The success of Paris will depend on what we have in the core agreement on finance,’ she stressed.

Contrary to the narrative that there are difficult issues that require ministerial solution, Ambassador Diseko said the Group does not intend to escalate the number of issues to the ministerial level as it is not difficult to solve the issue of finance, in particular.

‘France will be judged in the content of the core agreement on finance ... that is the yardstick of success and not what is announced by the World Bank to give finance that is unregulated. Similarly the International Monetary Fund has no status in the agreement as it is not a state party,’ she clarified.

On questions that the US\$3 billion pledge by China to assist developing countries is proof that in essence a member of the Group has expanded the pool of donors, Ambassador Diseko explained that what China has done fell into the domain of South-South cooperation to fill up the obligation of developed countries that has not been forthcoming in meeting their obligations.

However, she also noted that for the weak (developing countries) it is important that the certainty offered by the multilateral rules of law established by the UN system is followed and that 'everything is done inside so we can hold each other accountable'.

'There are a lot of things that we do in assisting each other to meet the serious challenges (of climate change) but the fact of the matter is that there is a legal dispensation to be met ... otherwise it will be left to the whims of charity of individual countries to decide as and when depending on circumstances of their countries, and that is not the best position for weak countries to find themselves in,' she emphasised.

Asked if the OECD's figures were accurate, Ambassador Diseko said no mandate was given to the OECD and that developing countries were not consulted and she does not know the methodology used by the report. She added that it looks like an opportunity to establish some basis for future activities (in the provision of finance) and warned against the danger of taking Parties away from what the UNFCCC needs to do.

'There is the Standing Committee on Finance to determine the gap in finance and there is a legitimate structure represented by all Parties where this work could be initiated but we wake up to a report that will take us away from our discussion (in the UNFCCC),' she pointed out.

To another question on why the phrase 'countries in a position to do so' that appears in the negotiating text is contentious, she explained that the ADP is mandated under the Convention and in doing this work, Parties cannot revise the Convention and it is important to keep the legality of the framework.

(Under the UNFCCC developed countries in Annex 2 have legal obligations to provide new and additional financial resources on the basis of historical responsibilities. Observers say that developed countries now seek to escape from their financial obligations by shifting these to developing countries through the use of the term 'countries in a position to do so'.)

'If we had decided in Durban to revise the Convention then it will be a different matter but we

did not, we decided what was needed is to put in place an instrument that allows us to implement the Convention in an enhanced manner,' she stressed, adding that finance is one of the areas that was explicitly noted as an area for enhancement.

The G77 coordinator for the thematic issue on adaptation and loss and damage, Juan Hoffmaister (Bolivia), who was also present at the press conference said developing countries are united in wanting an honest conversation for meaningful provision on loss and damage being in the agreement and are deeply concerned by the call to not include this issue in the negotiation. He likened the situation, in light of available science on the permanent and irreversible losses due to impacts of climate change, as equivalent to climate denialism.

However, apart from Switzerland that has openly opposed the inclusion of loss and damage, other developed country Parties have not expressed where they stand and he hoped to have more clarity at this session.

The press conference can be viewed here – [http://unfccc6.meta-fusion.com/bonn\\_oct\\_2015/events/2015-10-2211-00-g77-and-china](http://unfccc6.meta-fusion.com/bonn_oct_2015/events/2015-10-2211-00-g77-and-china)

Meeting observers at a subsequent dialogue, Ambassador Diseko apologised for the Group's failure to fight off the decision of the Co-chairs to deny civil society's participation in the spin-off groups. She said it is important for observers to get first-hand account of the negotiations and hold Parties accountable, noting that one group of developing countries had indicated that it is contemplating walking out of the negotiation if this issue remained unresolved.

However, Ambassador Diseko assured observers that the Group will continue to strive for their inclusion and there cannot be double-standard practice on this matter at different fora, and that observers are not a threat to the negotiation process.

On the inclusion of gender and human rights in the agreement, she said there should be no hierarchy of rights where civil and political rights have primacy over socio-economic rights.

Noting that inserting the language of the human rights instruments will complicate matters, she cautioned against casting the G77-China as against human rights.

'If you do not have a good basis for meeting socio-economic rights it is unlikely you will secure civil and political liberty. The Group is not saying that it will not address human rights but the question is how do we assure the rights are respected,' she said, noting that the Convention is clear on securing rights to water and sanitation, rights to economic activities, rights to food and shelter etc.

‘Is it not better to interpret the Convention as also about women, youth and vulnerable groups when we implement the Convention in an enhanced way? Let’s not set G77-China as the bad guys and let’s work together on that,’ she urged.

Speaking for Climate Justice Now!, Third World Network’s Chee Yoke Ling welcomed the G77-China’s idea of giving regular media briefings as a fair and balanced representation of the Group’s position has been lacking. She expressed concern

that there are specific proposals by developed countries in the negotiations to rewrite the Convention and how observers can help make the world understand the core of the debate.

She also noted that it does not look like there will be a change in the ruling on barring observers and hoped the Group will look into the legality of the ruling where the Co-chairs relied on the recommendation of the Subsidiary Body for Implementation and not the COP decision 18/CP4.

### Balanced 'Party-owned' Text as Basis for Paris Negotiations

Bonn, 26 October (Indrajit Bose) – The five-day climate talks in Bonn ended on 23 October with Parties accepting a draft agreement as the basis for negotiations at the 21st meeting of the Conference of the Parties (COP21) in Paris, scheduled from 30 November to 11 December.

Developing country Parties referred to the text for post-2020 climate actions as being 'balanced' and 'Party-owned'.

Two documents were circulated at the end of the 11th meeting of the second session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) of the United Nations Framework Convention on Climate Change held on 19-23 October: the draft agreement to take effect post-2020 and an accompanying draft decision (ADP Workstream 1), and a draft decision on pre-2020 climate actions (ADP Workstream 2).

The talks under the ADP were off on a rocky start owing to developing country Parties' proposals being missing from the 'unbalanced and lopsided' texts dated 5 October produced by the ADP Co-chairs Daniel Reifsnyder (the United States) and Ahmad Djoghlaif (Algeria). The first day, 19 October, was thus spent adding the proposals of the developing countries to balance the text and negotiations then followed in spin-off groups and informal-informal sessions, which were closed to observers. (See TWN Bonn News Update #1: *Developing countries introduce proposals to rebalance 'unacceptable' and 'lop-sided' texts for Paris outcome.*)

The work of the spin-off groups and informal-informal sessions was put together in the form of the draft agreement text and draft decisions text dated 23 October @15:30hrs. However, the draft decision for Workstream 1 had not been discussed in full by the contact group as a whole – instead, selected paragraphs were allocated for discussions in the various spin-off groups wherever those paragraphs

were related to the topics of the spin-offs, and some paragraphs were discussed in the contact group. The Group of 77 and China thus requested that a footnote to that effect be included in that draft decision text. (The version dated 23 October @23:30hrs that will be the basis for the Paris negotiations contains this footnote and some minor changes agreed to in the closing plenary of the open-ended contact group.)

In their interventions at the final plenary of the open-ended contact group on 23 October, Parties responded to the outcome of the meeting (the draft texts), the way ahead, and the issue of observer participation.

Speaking for **the G77 and China**, South Africa said despite initial difficulties, Parties managed to make progress during the session and 'above all, the process and the outcome of this session are now fully Party-owned'. It said that the new text is balanced and reflective of the work done this week. 'As such this text can constitute a basis and a starting point for negotiations during the next session. It is important that the integrity of this text is maintained,' said South Africa.

Speaking for **the Like Minded Developing Countries (LMDC)**, Malaysia said it was pleased that after a long and winding road, Parties had arrived at a good critical first step, which Parties own and which is Party-driven. 'After initial hiccups, it is a balanced text and this has restored the credibility of the process,' said Malaysia, expressing praise for the G77 and China Chair Ambassador Nozipho Mxakato-Diseko of South Africa for her leadership and seeking her leadership in the coming months.

On the way ahead, **the G77 and China** suggested that to enhance the draft agreement text, it would be useful to request the Secretariat to prepare a technical paper, which should identify closely related paragraphs and duplications within sections, and possible areas for streamlining. 'This should only

be an editorial exercise to clean up the text without changing the content of the text,' said South Africa. There was no objection to this proposal and it was decided that this approach would be followed.

South Africa further said that Parties had not managed a complete reading of the draft decision text (for Workstream 1) and a footnote could be included to note this situation and to ensure that the discussion of the text in question would be without prejudice to Parties' positions. This proposal was also accepted by the Parties. South Africa called for time to be allocated in Paris for the discussions on the draft decisions for Workstreams 1 and 2.

South Africa said even though the outcome of this session was not what they had envisaged, the Group was of the view that what Parties achieved through a Party-driven, inclusive process was laying an acceptable and workable basis for going forward.

On the outcome of the session, Sudan spoke for **the Africa Group** and said progress was not as fast as the group would have liked it to be. It said that in the discussions on adaptation and loss and damage, new ideas introduced led to a difficult text and for technology and capacity building, Parties did not engage in negotiations.

Speaking for **the Independent Alliance of Latin America and the Caribbean (AILAC)**, Guatemala emphasised that Parties had started with a document of 90 pages (the Geneva Negotiations text from the February ADP meeting) and had come down to 33 pages. 'We started with text that was unmanageable and we produced a text setting out clear options and which can inform the Paris agreement and can be presented to ministers and decision makers provided we can do hard work in the coming days,' said Guatemala.

**Mexico** made an emotional appeal to Parties and used the example of hurricane Patricia, which was hitting the country, to stress the urgency of getting the Paris deal done. It appealed to Parties to resolve their differences.

To Mexico, the LMDC said, 'we share your grief'. 'It brings us to a sobering thought that how little can be done to adapt to level 5 hurricanes. This underlines the importance of including loss and damage and do more than just words. Let's go beyond words and reflect this sincerely,' said Malaysia.

**Bahamas** too said it had been hit by a severe storm (early October) and was recovering from it. On the negotiations, it said that it expected to be further along in the process but was frustrated that the sense of urgency was lost. 'We seem not to be moving as fast as required,' it said. Referring to the

text, Bahamas said that it saw the document as a response to the global challenge but it was not impressed by the level of incompleteness of the document.

While **the European Union** agreed with the G77 and China that the text served as the basis for negotiations as it was 'Party-owned with a clear structure', it was concerned that progress had not been fast and that Parties had not really begun to negotiate.

**The Russian Federation** said if this text went to Paris, it would make the situation more difficult as even the most experienced lawyer would not be in a position to interpret the text. 'We need a text that is not just a technical paper, but we need a text for negotiations to begin. We would expect the Co-chairs with the collaboration of the co-facilitators and the Secretariat to produce a text well in advance of the Paris conference,' the Russian Federation said, calling for an additional negotiating session before COP21. 'We want a ratifiable, legally binding and comprehensive agreement and we would like to register our concern on this. We may face a situation that the negotiations face serious risk and we may have to suspend the COP and have a resumed session of COP21 *bis*, which we would like to avoid,' it cautioned.

Speaking for **the Umbrella Group, Australia** said it was concerned about the progress made at the session and said that Parties had often reiterated their national positions. It added that the objective is a clear, concise and navigable text and wants the Co-chairs with the co-facilitators and the Secretariat to prepare a new iteration of the text, but noted the G77's request for a technical paper.

In response to Australia's comment that Parties were stating national positions, the LMDC said that the G77 and China had adhered very strictly to the process. It emphasised that there is a creeping realisation that there is an attempt to de-link the Paris agreement from the fundamental principles and provisions of the Convention. 'Wherever you mention principles and provisions, there is an attempt to marginalise this and an option is presented that it should be under the Paris agreement. This is an insidious and ominous sign. We urge our partners to recognise that we are enhancing the implementation of the Convention. Therefore the basics should be embedded in the Paris agreement and we will accept nothing less,' said Malaysia for the LMDC.

At the closing plenary, **Peru** said the text is not good enough and contains many complex options, which require a lot of time to bridge swiftly. It said a technical paper would help the process and

added that if this text was to be transformed into a legal agreement and decision, Parties would need to work differently in Paris and find the right method to reach compromise and consensus.

French climate change ambassador **Laurence Tubiana** said the text represents progress and contains many interesting bridging proposals. She thanked Ambassador Diseko (South Africa) for her remarkable leadership. She added though that the text was not the one she had hoped for the beginning of Paris. Options are there, but the structure is not as coherent or consistent and a lot of work needs to be done, she said. Tubiana stressed that since there is no Plan B, Parties had the collective responsibility to do further work. She said Parties had not negotiated in the week of 19-23 October, stressing that negotiations should begin from the first day itself of the COP.

Tubiana further clarified that the COP high-level segment did not mean ministers come in and negotiators go out. 'We all will be responsible for the text. We cannot shy away from our responsibilities. The content of the Paris agreement will be made and drafted by you. In the pre-COP (ministerial scheduled for 8-10 November), views must be exchanged and compromise must be found. We urge you to do that and find working methods that will deliver results very quickly,' said Tubiana.

(In an open lunchtime briefing earlier during the week, Tubiana stressed that there will be no negotiations or a joint declaration at the pre-COP ministerial meeting. 40-45 ministers have been invited that represent the various regions and interest groupings, but all other ministers are welcome to participate at their own expense.)

On the issue of observer participation, Co-chair Ahmed Djoghlaif during the open-ended contact group clarified that the Co-chairs had continued their consultations and as per the rules of procedure, Parties had agreed that the spin-off groups in future would be guided by the rules of procedure, which meant that 'observers will be allowed to attend the opening and closing of any spin-off and will continue attending the spin-offs till a Party requests it is closed'.

(Earlier during the session, the Co-chairs had relied on a recommendation of the Subsidiary Body for Implementation to the COP that reads: '*...the SBI recommended that at least the first and the last meetings of the informals may be open to observer organizations, recognizing the right of Parties to keep informal meetings closed.*' However, the practice of opening the first and the last sessions to observers was not followed at this session at the behest of Japan to keep the spin-off groups closed to observers even though the G77 and China as well as Mexico were supportive of the sessions to be kept open. See [TWN Bonn News Update 2](#): '*Observers barred as negotiations finally begin*'. The European Union and other developed countries remained silent, not openly objecting nor supporting observer presence in spin-off groups. However Third World Network was informed that some developed country Parties had said they would not negotiate in the presence of observers. See separate Update for more details on this issue, noting that observers include international organisations as well.)

In their closing statement, the G77 and China requested that future sessions be open to observers 'to ensure that we all are accountable to our civil society and humanity'.

Malaysia for the LMDC told the Co-chairs that they were giving the same kind of ruling couched in softer language. 'NGOs are not an impediment. They are of a nature to understand a large part of the situation. When you spoke about excluding observers from the spin-off groups, you said you wanted to move things briskly. Including observers would not affect the briskness of the negotiations. In fact it can facilitate negotiations, as they are able to provide advice. This is one way in which capacity building can be operationalised. We have reiterated this in our meeting with the incoming Presidency. France has a motto of liberty, equality and fraternity. We appealed to the Presidency to reconsider and reverse this ruling,' said Malaysia, supporting observer access for all spin-offs.

(With inputs from Chee Yoke Ling)

### Developing Countries Caution against New Terms/Concepts Not in UNFCCC

Bonn, 28 October (Indrajit Bose and Chee Yoke Ling) – During the last climate talks in Bonn, developing countries cautioned against the introduction of new terms and concepts in the draft agreement to enhance climate actions expected to be adopted in Paris in December.

The Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) of the United Nations Framework Convention on Climate Change (UNFCCC) met on 19-23 October in Bonn, the penultimate meeting before the final negotiation session in Paris that begins on 30 November.

In discussions on Article I of the draft agreement titled ‘definitions’ there were divergences over whether to include some definitions such as on ‘REDD+’ and ‘climate forcers’. While all Parties were of the unanimous view that it was premature to discuss definitions, the consensus ended there.

(REDD+ refers to Reducing Emissions from Deforestation and Forest Degradation including the role of conservation, sustainable management of forests and enhancement of forest carbon stocks.)

The most contentious issue was a placeholder for the phrase ‘countries in need of support’. Reacting to the proposal, **Malaysia for the Like Minded Developing Countries (LMDC)** said Parties must avoid creating a change in the Convention itself by introducing new concepts such as ‘countries in need of support’. “We cannot amend the Convention by a side window,” said Malaysia.

[The use of the concept of ‘countries in need of support’ in the context of finance would be a dilution of developed countries’ commitment to provide new and additional financial resources, based on their historical responsibility in emitting greenhouse gases resulting in climate change, to developing countries to undertake climate actions especially adaptation to climate change.

The UNFCCC refers to ‘developing country Parties’ and ‘developed country Parties and other developed Parties’ (primarily countries with economies in transition). There is also an agreed allocation of commitments based on the historical responsibilities and capabilities for climate actions of developed country Parties and other developed Parties listed in the Convention’s Annex I for greenhouse gas emission reductions and Annex II for the provision of new and additional financial resources for agreed costs to developing countries as provided in the Convention. Hence the Convention’s basic principle of common but differentiated responsibilities.]

According to **Saudi Arabia speaking for the Arab Group**, if (Parties’ definitions) insertions are to be retained perhaps it is time to collect the ideas of missing terms that Parties have been using that have not been fully defined, raising climate finance as an example. However, Saudi Arabia said the basic rule was that Parties stick to the definitions they were familiar with under the Convention and it was not the time to introduce new concepts. It asked for a placeholder for ‘climate finance’ and said it would give a definition later.

**Brazil** too was of the view that there is no need for a new category of countries and thus there was no need to have the placeholder.

There was also considerable divergence over defining ‘developed country Party’ and ‘developing country Party’. While some Parties such as Turkey wanted developed and developing countries to be defined as reflecting their economic realities, the **LMDC** led by Malaysia said to know these terms, Parties have to go back to the Convention. ‘We propose that developed country Party means developed country Party under the Convention and developing country Party means developing country Party under the Convention,’ said Malaysia.

Rejecting the LMDC proposal, **Turkey** said the new agreement should provide clarity on developed and developing country Parties. It said the new agreement must reflect current economic and social realities. The UNFCCC does not provide a definition of developed and developing countries, and relying on the annex system would be incorrect to reflect differentiation. The Convention is some 20-odd years old, so the Paris agreement should provide a definition of developed and developing countries, it said.

(Turkey is one of the founding members of the OECD and included in the UNFCCC Annex I and Annex II. In 2002 it succeeded to be removed from Annex II as a financial resources provider, and it continues to seek removal from Annex I that commits Parties to emission reduction targets.)

In response, India said the reason for including developed country Party and developing country Party was that they repeatedly occur in the text. 'It is important to contextualise it. We are working towards the implementation of the Convention. While some of us have different notions and some spoke of economic realities, we need to have a better understanding. It is in the historical context that our proposal is based,' said India.

**China** added it might be useful to learn from the experience of the Kyoto Protocol (to the UNFCCC), saying that it might be difficult to reach agreement on a new definition of the category of countries. 'Let us use the definition used in the Kyoto Protocol for Annex I Parties. If Parties have difficulty in reaching an agreement on the definition of developed country Parties and developing country Parties, then we should use Annex I and that implies the definition of non-Annex I countries,' said China.

(The Kyoto Protocol has the following: '*Party included in Annex I*' means a Party included in Annex I to the Convention, as may be amended, or a Party which has made a notification under Article 4, paragraph 2 (g), of the Convention.

The UNFCCC provides for Parties to join Annex I on a voluntary basis. Commitments of Annex I and non-Annex I Parties are spelt out in Article 4 of the Convention.)

**Turkey** said there is no clear definition in the Convention or in the Kyoto Protocol of developed and developing country Party. As an alternative, it proposed that developed country Party means developed country Party under the UN system and developing country Party means developing country Party under the UN system. It said the definition was better and more useful since Parties are under the UN system.

**India** said there is nowhere in the UN system where a definition of developed countries and developing countries exists. The Kyoto Protocol did not have the notion of Annex 2, so we have to define both in terms of Annex I and Annex II. It said for clarity Parties could reflect in terms of Annex I and Annex II.

**The United States** said that a Party means a Party to the agreement, which was self-evident. It said the proposed definition is incorrect and Parties cannot refer to that. 'Do we want to engage in that conversation here, or do we see what the agreement has come up with?' asked the US, adding that Parties had not talked about whether there are annexes in the Convention or annexes to the agreement that have yet to be defined.

A senior developing country negotiator told Third World Network that the annexes in the Convention are based on responsibilities for historical emissions, not the level of economic development. 'This is why even those G77 or ex-G77 countries that have joined the grouping of developed countries, the OECD, remain non-Annex I countries under the Convention. There is no clear definition of what is a developed or developing country in the whole UN system. From these differentiated responsibilities flow the legal obligations to provide finance, tech transfer etc. Common but differentiated responsibilities is reflected in all articles of the Convention,' the negotiator said.

In the final version of the text which emerged from the Bonn session on 23 October, and which will be the basis of negotiations in Paris (30 November to 11 December), the text pertaining to the definition of developed and developing country Party reads:

*['Developed country Party' means a developed country Party [under the Convention] [within the meaning of this Agreement] [under the UN system];]*

The above will be up for negotiations in Paris.

## **REDD+ and other definitions riddled with contention**

There was also divergence around the definitions of 'REDD+', 'climate forcers' and 'emissions reduction'.

REDD+ was defined as follows:

*['REDD+' means a mechanism aimed at reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries that is based*

*on the Warsaw Framework for REDD+ and relevant decisions of the [Conference of the Parties];]*

Climate forcers was defined as follows:

*[Climate forcers: compounds or group of compounds that contribute to climate change. This contribution can be measured through their radiative forcing (W/m<sup>2</sup>). They are well-mixed and near-term greenhouse gases, aerosols, or particles;]*

Emission reduction was defined as follows:

*['Emission reductions' means the sum of all reduced emissions and increased carbon stocks;]*

**Brazil** said climate forcers is a scientific idea and it did not see the need for a definition since it is not covered by the Convention. It did not see the need to define emission reduction under the agreement either. 'Since we are operating under the Convention, the definitions under the Convention are valid,' it said. On REDD+, it said that the framework agreed to in Warsaw was self-explanatory and it did not see the need to add it to the definitions.

**Malaysia** said that definitions are a matter of convenience and we don't need to put it in each time. 'That means we need to know what appears in the text. We don't know if climate forcers will apply. While there was a proposal for that, there were considerable views on its inclusion, so it would be premature to include it here,' it said. Malaysia agreed with Brazil in that Parties should look at definitions under the Convention, without creating further definition of words.

Supporting LMDC, **Bolivia** said that inclusions such as forcers and REDD+ were completely inappropriate to incorporate. It said that REDD+ was a mechanism and it's not in the definition that Parties would establish a mechanism. It is one approach along with different approaches under the Convention and Bolivia did not agree with introducing new issues beyond the agreement and beyond the Convention.

Bolivia introduced a paragraph on joint mitigation-adaptation (JMA). It described JMA as a mechanism for the implementation of joint mitigation and adaptation actions for the integral and sustainable management of forests that is an alternative to REDD+ and to results-based payments.

**Mexico** said while it understands that definitions would be based on what is in the agreement, it is important to have effective matters in the definitions and not just practical matters. It hopes that Parties would look at science as a key

guiding force when they pass it into legal language. Mexico asked for all the proposals to be retained.

Speaking for **the Coalition of Rainforest Nations, Panama** said that a definition of REDD+ would be necessary in the agreement if the acronym is referred to in parts of the agreement.

Speaking for **the Least Developed Countries, Angola** said it is important to ensure that the text reflects all these insertions Parties wished to make and asked for all the insertions to be retained.

The United States was not sure why Parties should point out REDD+, which is clearly understood. Climate forcers is another such term. 'We are working hard to address climate forcers but not sure what their application is for the agreement,' it said.

The Russian Federation said it did not agree with the additions and there was no justification for inserting a definition on emission reduction.

**The European Union** said the conversation was premature to have and that Parties should be using their time to discuss substance rather than negotiating definitions.

Speaking for **the Africa Group, Sudan** said it did not want to pre-judge the Paris agreement and that it did not want to introduce new definitions. It said that there should be a governing body but that it did not want to signal that the CMA would be that body for the purpose of the agreement.

CMA was defined as follows: '*CMA*' means the Conference of the Parties serving as the meeting of the Parties to this [Agreement]; ...

Sudan said that it is only for the sake of negotiations that Parties were referring to the Paris outcome as the 'Paris agreement'. It could be a protocol, so Parties did not need to pre-judge (the nature of) the agreement. That is how the word agreement was put within brackets.

[The normal treaty practice is that when a protocol is established under a Convention, the Conference of the Parties would act as the Meeting of Parties to the protocol, thus for the Kyoto Protocol under the UNFCCC the term used is Conference of Parties acting as the Meeting of Parties to the Kyoto Protocol (CMP).]

Co-chair Ahmed Djoghla (Algeria) said he was trying to take stock of the proposals and that the Co-chairs were only noting the proposals and that it was not a negotiations session.

(With inputs from Hilary Chiew)

### French COP Presidency Sets out Political Process for Climate Talks

Kuala Lumpur, 30 October (Hilary Chiew) – In a departure from normal practice, Heads of State and Government have been invited to be present on the first day of the 21st meeting of the Conference of the Parties (COP21) to the United Nations Framework Convention on Climate Change (UNFCCC) in Paris.

COP21 is scheduled to run from 30 November to 11 December.

In previous COP meetings ministers or heads of state/government (HoS) began arriving in the second week of the usual two-week-long climate talks to speak at the ‘high level segment’.

(This segment is usually a presentation of formal statements except for the high profile 2009 COP meeting in Copenhagen where a handful of political leaders were taken off to closed room negotiations led by the United States, outside the UN process, triggering the anger of delegations in the final plenary and the mere ‘noting’ of the ‘Copenhagen Accord’ rather than an endorsement.)

Addressing Parties and observers at the second informative dialogue on Presidential activities on 22 October, French COP21 Ambassador Laurence Tubiana said President Francois Hollande has invited all HoS for the first day, and which many had requested anyway, to participate in this historical event to give it the necessary political momentum.

She said there would be no joint declaration but (to provide) an opportunity for leaders to express their views.

Tubiana announced this at the second special event on Presidential activities by the Presidency (Peru – the host of COP20 in Lima last year) and incoming Presidency (France – the host of COP21 from year-end) during the recently concluded 11th meeting of the second session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) that took place on 19-23 October in Bonn, Germany.

The HoS session will start in the morning (30 November) after the official opening and leaders would be invited to deliver short statements, she said, adding that specific arrangements will be provided in an informal note that will follow soon after the Bonn meeting.

On the pre-COP ministerial meeting, Tubiana said France will organise the informal meeting together with the Peruvian Presidency and it will take place on 8 – 10 November at the conference centre of the Foreign Affairs Ministry.

‘It will resemble the informal ministerial consultations which we organised with Peru in July and September,’ she said, and for the sake of transparency, she outlined three key points on participation, agenda and transparency.

On participation, Ambassador Tubiana said Minister of Foreign Affairs Laurent Fabius had invited 75 countries, the highest number of ministers for such an informal meeting. He is careful in ensuring that every region and negotiating group is represented, she stressed.

‘There is space constraint but to ensure inclusiveness and transparency, this meeting will be opened to any additional country that wishes to attend. Countries that want to attend need to send a note through their embassies and then we will extend an invitation,’ she said, adding that support will be provided for developing countries in need of it.

(On 26 October invitations were sent to representatives of the UNFCCC observers to attend ‘a high-level dialogue with the ministers chairing the negotiating groups and the ADP Co-Chairs’ from 10.30 am to 12 noon on 8 November. The following constituencies have been invited to send two representatives each: environmental organisations, research organisations, indigenous peoples’ organisations, youth organisations, gender organisations, trade unions, farmers and local governments associations.)

On the agenda, Tubiana said the meeting is informal and is not a place to negotiate text which is evident but would like to reaffirm it. The goal, she noted, is for ministers to capture the entire scope of discussion in Paris and to explore convergence on key political issues that they need to close in Paris.

‘Certainly, they will discuss the legal form of the agreement,’ she said, adding that the content of the meeting will be reported to the ADP on the understanding that it is the sole responsibility of the Presidencies.

In Paris, she said, discussion under the ADP and the work of the Subsidiary Body for Implementation (SBI) and Subsidiary Body for Scientific and Technological Advice (SBSTA) will begin on Tuesday (1 December).

She said further Parties must be prepared for crucial and challenging weeks ahead where the SBI and SBSTA will close their work on Friday (4 December) and the ADP on Saturday (5 December).

A high-level segment will ensue on the following Monday and Tuesday (7-8 December). Matters that have been reported to the COP by the SBI, SBSTA and ADP will have to be negotiated and finalised by Wednesday (9 December) ‘if we want to close the conference on Friday (11 December) in a timely and orderly manner’.

‘It is not just a matter of principle in order to adopt a legal agreement ... but will have to respect a number of procedural steps that will require some time,’ Tubiana said.

‘It goes without saying that each delegation is free to determine at which level it will be represented through the weeks until 9 December. The impossibility of Parties to participate at the ministerial level will in no way (affect) its capacity to participate actively in the discussion,’ she stressed, highlighting that while it is evident, she would like to emphasise this as she had heard some concerns and anxieties (on this matter). But these are unfounded, she assured the audience.

On other events at the COP, Tubiana said major announcements under the Lima-Paris Action Agenda (LPAA) will be presented. An ‘action day’ on 5 December will have leaders from many economic sectors and civil society organisations presenting climate actions juxtaposed by thematic focus from 1 to 8 December with high-level participation expected.

The LPAA is a joint undertaking of the Peruvian and French Presidencies, the office of the Secretary-General of the United Nations and the UNFCCC Secretariat aimed at demonstrating the commitment of non-state actors to reach a new and ambitious legal agreement in Paris and beyond.

On the sentiment of negotiations under the ADP thus far, she acknowledged the strong spirit of engagement, reiterating that there is no ‘Plan B’ in Paris and urged Parties to produce the text collectively reflecting their views to ensure a good start in Paris.

(At the closing plenary of the ADP meeting on 23 October in Bonn, Tubiana noted that the texts which were produced after the latest session represented progress and contained many interesting bridging proposals. However, she also expressed concerns that the structure remained incoherent and needed further work. Two documents – the draft agreement and draft decision dated 23 October@15:30 which contained ‘surgical insertions’ from Parties during the spin-off groups and informal meetings were circulated prior to the closing plenary. A version as of 23October@23:30 with some changes from the plenary session is the basis for the Paris negotiations.)

Noting the intense informal discussions in the recent Bonn session, Peruvian Ambassador Jorge Votto Bernales said broad convergences in key issues of adaptation, differentiation and means of implementation had emerged and he expects to see them appear soon in the formal negotiations.

He underscored that finance is an overarching concern and that this issue had been clearly articulated by South African Ambassador Nozhipo Mxakato-Diseko (as Chair of the Group of 77 and China) where she noted that 80% of Parties to the UNFCCC belonged to the developing world and that they need support for mitigation action.

Bernales added that mitigation action from the developing world is essential to reach our goal and therefore it is obvious that the Paris agreement must include significant efforts in finance from developed countries that have to be assured and agreed upon in terms of predictability and scaling up for developing countries to take on complementary public policies and regulatory measures. He also stressed the importance for developing countries to know in advance that there would be timely support in finance both for the direct mitigation actions as well as technology transfer and capacity-building that are necessary to carry out these actions.

Bernales further said if the conceptual views on how these ‘keystones’ or ‘4 or 5 pillars’ can be manifested appropriately in the agreement and can be wrapped up properly, ‘the rest of the text will flow naturally’.

India said it was reassuring that there is no Plan B in Paris, and that the explanation on the mode of work of the second week in Paris would allay some perceived concerns (in reference to inclusiveness of

all Parties regardless of the status/level of delegations' representation).

'If no Plan B then we have to be very serious about Plan A (referring to the ADP's Party-driven negotiations). It seems to be that we would need more time for negotiation ... maybe in the form of an additional session or in combination with the pre-COP,' it noted.

India also raised concern over the perceived 'disconnect' between what ministers said at the informal ministerial meetings and what negotiators said at the formal negotiation.

'... each country is taking its position as a sovereign country ... whether it was a minister, a senior or junior negotiator, (they are) following a particular line of country position. Many things will be decided at the end and not necessarily with ministerial attendance,' India said.

On an additional session, Tubiana replied that the Presidency will not take any initiative that is not supported and conceived collectively.

On the 'disconnect', noting the urgency for convergence, she said it is the difficulties to translate concept to draft and negotiators tend to hold their cards longer.

'Many times we think we have time ... (need) to let go and compromise. The problem here (in the formal negotiation) is that we need to draft a legal text and cannot just wait for political guidance in the night of 11 December. You do not want to let it go before the end but when is the end ... and I think the end is very, very close,' she added.

Speaking for the Like-minded Developing Countries (LMDC), Malaysia alluding to Bernales' point on the '4 or 5 pillars', said so far Parties were engaged in a process of crystallising options and had not embarked on the critical areas of bridging proposals.

One area of concern, it noted, is the parity in negotiating the different pillars where some pillars

which are of more interest to some Parties are being accelerated at the expense of areas that are of interest to developing countries such as the means of implementation, particularly finance.

Malaysia said it is important that we proceed at the same pace, and urged the Presidencies to consult the ADP Co-chairs to provide input and direction on this matter.

Concurring with India, it said most developing countries came with clear mandates from their political masters and it is time for technical work to translate political direction into concept and text.

'There seems to be some magic attribution to ministerial consultation ... we feel a bit uneasy about this because there is a question of parity in this ministerial consultation,' Malaysia pointed out.

On the exclusion of civil society participation, Malaysia for the LMDC stressed that the decision (taken by the Co-chairs at the insistence of Japan at the beginning of the meeting despite a plea from the G77-China to keep spin-off groups open) would affect the good image of France 'with your slogan of liberty and fraternity' and asked that the French Presidency weigh in on that decision.

To this, Tubiana said there is close consultation with the civil society representatives in the preparation for COP21 and that they will be given a space close to the negotiation space (referring to the venue).

On the pre-COP ministerial, she reiterated that countries that are not invited should feel free to express their intention to be invited. As noted above, on 26 October the Minister of Foreign Affairs sent invitations inviting two representatives from each of eight public interest constituencies to a half-day high-level dialogue on 8 November during the pre-COP ministerial.

(Edited by Chee Yoke Ling)