

ADP discussions move into eight facilitated groups with deep differences remaining

Bonn, 1 September (Indrajit Bose and Hilary Chew) — Differences between developing and developed countries remain deep as the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) move into the facilitated groups mode.

The ADP resumed its work with eight different facilitated groups being convened following the opening plenary on 31 August. It is meeting until 4 September.

At the plenary Parties reflected on the tool **Co-Chairs Daniel Reifsnnyder (United States) and Ahmed Djoghlaif (Algeria)** had prepared for them to develop “a protocol, another legal instrument or an agreed outcome with legal force under the Convention” for adoption at the 21st meeting of the Conference of Parties (COP) to the UN Framework Convention on Climate Change (UNFCCC) in Paris in December.

(The tool is divided into three parts. Part 1 comprises provisions that are by nature “appropriate for inclusion in an agreement”; Part 2 contains provisions that are appropriate for inclusion in a decision; and Part 3 contains “provisions whose placement require further clarity among Parties in relation to the draft agreement or draft decision”, as per the Co-Chairs’ scenario note issued on 24 July. See [TWN Bonn News Update 1](#) on Parties’ reflections on the tool.)

Facilitated groups were held on adaptation and loss and damage, General/Objective, Mitigation, Preamble, Implementation and Compliance, Technology development and transfer, Transparency of action and support (all part of Workstream 1 on the Paris agreement) and Workstream 2 (pre-2020 ambition). As the day progressed, Parties provided their reflections on the way the tool had been organised for each of

the section, and indicated this to the Co-facilitators.

Below are brief updates on the facilitated sessions of Workstream 1.

Adaptation and Loss and Damage

The facilitated session on adaptation and loss and damage, co-facilitated by **Andrea Guerrero (Colombia) and Georg Borsting (Norway)**, began with the co-facilitator proposing to the Parties that they focus on concepts and reflect on what was missing from Parts 1 and 2 of the Co-Chairs’ tool. Guerrero asked of Parties to focus on concepts and not necessarily on paragraphs. She also said that for the rest of the week, she would put forth questions to Parties and if they agreed, the Parties could take up the questions and discuss them. The guiding questions, she said, would help figure out what Parties wanted in the package and which should also go some way in resolving the fundamental disagreements Parties had on some of the issues.

Responding to the co-facilitators’ proposal on the mode of work, **Tanzania** said as suggested in the Co-Chairs’ scenario note, they came prepared with “bridging proposals” and were not comfortable discussing missing concepts. “We don’t understand why we have to look for what is missing. We have tried to do what is required and to move forward is to hear the bridging proposals. We feel quite uncomfortable going back to concepts rather than moving forward,” it said.

To this co-facilitator Guerrero clarified that she was not talking of missing concepts but to get a good understanding of what is in the agreement and in the (COP) decision, in terms of concepts and the next step would be to get to the bridging proposals, she said.

Discussions continued and Parties reflected on what they thought should be added back to either Part 1 or Part 2 of the Co-Chairs' tool.

Developing countries spoke in one voice and stressed the importance of loss and damage to be included in Part 1 of the Co-Chairs' tool — as elements under the agreement. Since the provision of loss and damage did not figure in that part, developing countries called for the inclusion of the element in the agreement. There is provision on loss and damage in Part 3 of the Co-Chairs' tool.

Speaking for the **Group of 77 and China (G77 and China)**, **Bolivia** said, "The group made its case quite clearly in June. Now we are being told it is quite unclear. Is it the science, urgency? This is not negotiations. This is the reality of developing countries," said Bolivia. It also referred to the three storms in the Pacific and added that Dominica was destroyed by another storm where 20 years of development was lost.

"If clarity is needed, I am providing it now," said Bolivia, and reiterated the call for including loss and damage in the agreement by referring to droughts in central America, floods, heatwaves and typhoons in China, floods in China and India. "How many calamities do I need to add to make it clear?" it asked. Bolivia also asked of the co-facilitators to convey to the Co-Chairs that that this is not a matter of lack of clarity. To take such a stand would be injustice and climate change denial, said Bolivia, demanding that loss and damage be reflected in Part 1 of the Co-Chairs' tool, along with the respective options and institutional arrangements.

The **US** added that since Parties had not had a chance to discuss loss and damage in the June session of climate talks, they were hoping to discuss the issue here in Bonn.

Besides loss and damage, developing country Parties also reflected on a host of issues including finance needs for adaptation and measuring, reporting and verification (MRV) of support and institutional arrangements.

The facilitated session concluded with the co-facilitators presenting a list of "clarifying questions" for Parties to address. These questions ranged from global goal and long-term vision on adaptation to individual efforts and their communication, to loss and damage. The session on adaptation on 1 September is expected to begin first by closing the list of speakers from the

previous day that did not get a chance to present their interventions and possibly take up one of the questions, which the co-facilitator said would be communicated to Parties by the evening of 31 August.

Bolivia added a measure of caution and said that the G77 and China would not want to spend the rest of the week with the questions and called for a stocktake on the mode of work.

Mitigation

The facilitated session on mitigation was co-facilitated by **Franz Perrez (Switzerland)** and **Fook Seng Kwok (Singapore)**.

Perrez started the session saying that they had heard that Parties did not want co-facilitators to do things differently in different facilitated groups. He, however, added that the Co-Chairs had said that groups are different. Some were more mature and that "we should not be prisoners of a common approach". Perrez said the objective of the session as outlined in the Co-Chairs' note is to accelerate negotiations with a view to produce a clear understanding and articulation of the elements of the Paris package.

On the organization of work this week, he said that the guidance from the Co-Chairs was clear and it said that "we should meet, interact in a constructive manner, search for common ground and have different tools such as bilaterals available". He also indicated the possibility of going into spin offs and clarified that these would be open-ended and for all countries to engage in these. He further added that work this week would focus on a good understanding of what each of the Parties saw as being part of the agreement and decision. "The objective is not to start work on the tool. We are not striving for an amended tool," said Perrez.

He also said that there was a need for good understanding on how the decision and the agreement map mitigation. He asked of Parties to provide explanations but not criticise each other and not negotiate, which he said was the objective of the first facilitated session on mitigation. Referring to the Geneva negotiating text (from the February ADP session), he said that it is a compilation of different stories whereas the tool was clustering the different stories with the need to understand them and bring them back into one story.

Responding to the co-facilitators, **Cuba** expressed surprise at not having the word “negotiate”. “With 10 negotiating days left, the phrase we have heard is good understanding among delegates. We have come prepared to negotiate. When is the point when we can start negotiations? We are entering risky waters here, for then Parties will be told that there is no time to negotiate and to come up with political decision. We have come ready and prepared,” said Cuba.

It added that the Co-Chairs had provided a very useful tool and asked of the facilitators to discuss and negotiate what Parties needed to bring from the decision into the agreement. “Let us stop this risky thing. We want to see an outcome of this session. The best understanding we can get is from the clear text on where we are. If we don’t have clear text and we just have the understanding of the lingo, it is going to be extremely difficult,” added Cuba.

Brazil also said it had come prepared to react and said it did not see the exercise as picking and choosing from several parts to Part 1 of the tool as that would bring Parties back to the Geneva Negotiating Text. “We were hoping to react to see what the Co-Chairs have identified as Part 1 and identify the missing elements,” said Brazil.

Tuvalu spoke for the Least Developed Countries and said that it would be helpful to understand the end point of the week. “We are not striving for an amendment tool. What are we striving for? Are we working on text, are we working on impression of the text?” asked Tuvalu.

Speaking for the **Like Minded Developing Countries (LMDC)**, **Malaysia** said that one possible approach is to discuss how Parties see the mitigation section in the core agreement. “This would include what is in Part 1 and then we say there also needs to be this other matter in the core agreement. We could also say what is in Part 1 could be more appropriately handled in other sections or as decisions. By doing this we would have constructed a mitigation section that addresses mitigation as well as crosscutting issues. On the basis of that, we begin to deepen our understanding, which would also involve bridging proposals where we see alignments. That is how we see work progressing, which is to get a complete picture with a little explanation of why we feel what should go where,” said Malaysia.

To this Perrez responded saying Malaysia had well summarised what Parties should engage in and said, “that is what we should do as a first step”.

Following this, Parties engaged in substantive matters and discussed issues ranging from long-term temperature goal to clarity on the different types of commitments Parties could take, market and non-market mechanisms, differentiated commitments, link between action and support, institutional arrangements, joint implementation. (The speakers’ list is still not over and will continue on 1 September.)

At the end of a three-hour long session, the co-facilitators proposed three spin offs for more clarity on differentiation led by South Africa, non-market mechanisms led by Bolivia and joint implementation led by Brazil. He also invited Parties to get bridging proposals and to think of the next steps in this week.

Transparency of Action and Support

The facilitated session on transparency of action and support was co-facilitated by **Fook Seng Kwok (Singapore)** and **Franz Perrez (Switzerland)**.

Kwok said in the Co-Chairs’ scenario note, there was a clear understanding of the Paris package elements and said the end product was in the hands of the Parties. “If we are able to make progress, we could make progress on the agreement text. That has to be the objective. We must try for clarity and narrow and crystallise options for ourselves,” said Kwok.

Referring to the other facilitated sessions of the day, Kwok said Parties could present their broad overviews at the first facilitated session. He clarified that this was not a conceptual discussion and told Parties that they were dealing with text. He asked of Parties to explain why they wanted something moved from Part 3 to Parts 1 or 2 of the text. He also said that bridging text is about not having “what you want but also what your opponent wants, but right now the time is to take general reactions to the Co-Chairs’ tools and give an overview of how you feel”. He also said that Parties could intervene on the process along with substantive points in their interventions.

Following this, Parties engaged in substantive discussions around MRV of action and support and transparency arrangements. Parties mostly stayed with their traditional lines with developed countries calling for a single accounting regime and

developing country Parties calling for differentiated accounting regimes. Developing countries also stressed on the need for transparency of support. “We have made progress on transparency of action and anything further would depend on progress in transparency of support,” said **South Africa**. **The US**, in its intervention, said it would be good to have a discussion on transparency of support. “We are happy to talk about transparency of support,” it said. **India** said it was encouraging to see a growing acknowledgement of the fact that transparency of support had not been addressed and that it needs support. “It is a good meeting ground,” said India.

On process, the US said it was disappointed to see the Co-Chairs’ tool as discussions from the June session seemed to be lost. “In June, we had discussed a map of the section. It seems we are starting over from June again. We don’t want to lose convergence on the structure of the section,” said the USA. Kwok responded by saying the mapping is a reference resource and could be projected if the US wanted it to be projected.

On the next steps, Kwok said he would give Parties some points of commonality which he had heard in their interventions. He said if Parties would allow, he would develop “something for the Parties” between 31 August and 1 September and present it to Parties at their next session, scheduled on 1 September.

Implementation and Compliance

The session co-facilitated by **Sarah N. Baashan (Saudi Arabia)** and **Aya Yoshida (Japan)** covered views on the proposal contained in Part 1 of the Co-Chairs’ tool, with many expressing the need to see options reflecting the establishment of a compliance arrangement in Paris, which is not reflected in the tool. The establishment of arrangements would be accompanied by text detailing the development of related mechanisms and procedures in the accompanying decisions.

Discussions on compliance have narrowed to differentiation between developed and developing countries with respect to the compliance mechanism. Many developing countries pushed for a strong enforcement-oriented compliance mechanism for developed countries. Developed countries particularly Umbrella Group want a common compliance system for both developed and developing countries with a common set of rules. The discussion was characterized by

conceptual issues and suggestions raised by Parties in terms of what should go into the Compliance section from Parts 1 and 3.

The co-facilitators called for informal consultations on the elements of an establishment clause and the nature and purpose of the mechanism, and the outcome will be reported to the group at its next meeting. The co-facilitators will also develop questions on differentiation, enhanced transparency and the facilitative nature of a compliance mechanism for the next facilitated group meeting. Several Parties provided views on what those questions could be.

General/Objective

Parties continue to differ on the need for a separate section on Objective. Most developing countries and other developed countries like the European Union, Norway and the Russian Federation felt the need for a separate section on objective to guide the implementation of the new agreement.

However, this was opposed by a few developed countries. Led by the **US, Japan, New Zealand, Australia** and **Canada** called for reference to the objective in the preamble.

Japan cited the successful Montreal Protocol as a multilateral agreement without an objective section. While New Zealand believed that as the guidance comes from the Convention, it thus would expect the preamble to make it clear.

From the outset, **co-facilitator Dian Black-Layne (Antigua and Barbuda)** requested Parties to deliberate on the two options - Option 1 which may eventually contain between three to five paragraphs or Option 2 which is no text.

She said the co-facilitators (the other co-facilitator is **Artur Runge-Metzger of Germany**) would like to get feedback and guidance on how to address this section. She noted that each section seem to be developing its own objectives and this emerging work could be lifted later into this section on General/Objective.

Saudi Arabia representing the LMDC sought clarification on the nature of the discussion of the paragraphs in Part 1 only but stressed that other text particularly those in Part 3 of the Co-Chairs’ tool should be brought into Part 1.

To this, Black-Layne said the discussion is moving towards a negotiation text and hope that by the

end of the session Parties could produce a negotiating text.

Saudi Arabia then urged Parties to look at what is missing and to bring back paragraphs in Part 3 into Part 1.

Brazil said it is counter-intuitive not to have an objective.

India cautioned against substance being sacrificed at the altar of shortness, noting that the principle of common but differentiated responsibilities (CBDR) and equity were missing. It said reference to long term temperature goal can be included but need to be contextualised.

China noted that it is important to have the objective laying out the principles and provisions that will apply to other sections of the Paris agreement. It warned that the key principle of CBDR is missing from the Part 1 text and would be problematic as it is a red line for China.

Argentina, Jordan and Bolivia cautioned against the use of new terms such as climate resilient economies and net-zero emission that are unclear and do not enjoy multilateral consensus.

Malaysia said having an objective section is crucial when Parties enter a new agreement and need to know the guiding principle or risk being in uncharted sea. It noted that in all recent multilateral agreements, the objective is framed in the operational part of the agreement instead of relying on the non-operational part of the preamble or objective stipulated in the different sections. It said to exclude the overarching principle of CBDR and equity will not be acceptable as we need to enhance the Convention.

South Korea supported the inclusion of a clear and concise objective, noting that CBDR that was agreed in Lima was missing.

Other developing country Parties suggested moving paragraphs from Part 3 into Part 1 which included reference to loss and damage, temperature goal including 1.5C, human rights, gender equality, reference to vulnerable countries such as Least Developed Countries and small island states, and protection of the integrity of Mother Earth.

Cuba and Kuwait raised a procedural point on the conduciveness of the meeting room which does not allow all Parties to have a seat around the table.

Black-Layne assured Parties that she would convey the feedback from Parties to the Co-Chairs and will get guidance on what to present to Parties at the next meeting.

Preamble

Co-facilitator George Wamukoya (Kenya) invited Parties to look at all three parts of the Co-Chairs' tool and how they can inform either the draft agreement (Part 1) or draft decision (Part 2). He also informed Parties to recognise that some preamble paragraphs from the thematic section are starting to emerge and they are very dynamic.

While developing countries expressed their views on the transfer of paragraphs from Part 3 to Part 1 to improve the preamble, developed countries are hesitant to do so. The **European Union, US, Norway, Japan, Australia, Canada and New Zealand** preferred discussing the preamble later after substantive sections have taken shape, noting that the discussion of its content is premature and a waste of time.

Saudi Arabia speaking for the LMDC said having a concise preamble must also include general issues and proposed moving six paragraphs from Part 3. The six paragraphs are on the guiding principles; historical and current emissions; social and economic development; means of implementation; equality, environmental integrity and rights; sustainable social and economic development.

Sudan representing the African Group stressed that the preamble will lay the foundation for the agreement so it is good to reflect science by adding paragraph 8 (global nature and urgency of climate change) and paragraph 9 (5th assessment of the Intergovernmental Panel on Climate Change) from Part 3 so that science can inform the agreement and enable enhanced actions.

At the end of the 1.5-hour meeting, co-facilitator Wamukoya urged Parties to start thinking about merging their proposed paragraphs and work on the textual formulation before the next meeting on Wednesday (2 September) so that Parties will be able to identify their text and own the paragraphs.

Technology Development and Transfer

Co-facilitator **Tosi Mpanu-Mpanu (Democratic Republic of Congo)** invited Parties to look at all three parts of the Co-Chairs' tool.

India and China sought clarification on the basis of allocation of elements in the three parts, noting

that they appeared to be extremely imbalanced compared to other sections. To this, Mpanu-Mpanu assured that all three parts have equal footing and no hierarchy, adding that the Co-Chairs may have been ‘overly cautious’.

China representing the Group of 77 and China (G77 and China) said the tool was not only imperfect but very imbalanced with other sections in Part 1 where only one paragraph containing two options was provided.

It said to keep the integrity of the agreement, the Group proposed to transfer all the paragraphs in Part 3 into Part 1, and paragraphs 35 and 38 in Part 2 into Part 1 as well.

China explained that paragraphs 70 and 71 in Part 3 are overarching elements that introduce the framework and idea on how to structure the support for technology development and transfer. It also wanted the whole paragraph 72 in Part 3 to be included in Part 1.

With regards to institutional arrangements, it said it is useful to have paragraphs 35 and 38 of Part 2 and paragraph 73 of Part 3. It also wanted paragraph 61 of Part 3 on linkages for funding, to be transferred to Part 1.

Argentina said it is not possible to talk about implementation of the Convention without means of implementation and many paragraphs in Part 3 need to be moved to Part 1 to raise ambition.

Saudi Arabia said it is really difficult to accept the tool as a basis for negotiation and supported the G77 and China proposal for global goal for technology, anchoring the institutional arrangement in the agreement for a durable and long-lasting agreement.

Belize speaking for the Alliance of Small Island States (AOSIS) said enhanced actions for technology development and transfer should ensure that the technologies meet the special circumstances of small islands. It expected paragraphs in Part 3 to be moved into Part 1 or Part 2 and Part 3 will disappear. Parties should work on consolidating the text.

Japan said it would agreed to strengthening support in terms of giving incentive to the private sector but would not support any legal obligation

on technology development and transfer to be included in the agreement. It would therefore support option 1 of paragraph 20 in Part 1 and would not support Option 2.

On the global goal for technology, it said it is difficult as technology development in the long term is highly uncertain as it is difficult to determine which technology will contribute to mitigation action.

It also could not agree with a framework for enhanced action (paragraph 71 of Part 3), noting that it could support the strengthening of the existing technology mechanism. It believed that intellectual property rights is not a barrier to technology transfer but an enabler and the issue should be dealt with by the World Intellectual Property Organization and the World Trade Organization.

The **European Union** said it could not support the inclusion of paragraphs from Part 3.

It is supported by the **United States** which said that most paragraphs in Part 3 are not needed and can be dropped off altogether, adding that it is struggling to understand what developing countries intended to do.

China said having heard all the comments, it expressed disappointment that trust had been lost when Parties said they do not want any paragraphs from Part 3 to be moved to Part 1. Although it was stressed by the co-facilitator that Part 3 is not the dustbin but this was not shared by all Parties.

It urged Parties to focus on what we should do by narrating it in the core agreement while assigning the ‘how’ to Part 2 on decisions, adding that for this session in Bonn, Part 3 should be deleted after migrating all its paragraphs (related to technology) into the other two parts.

In conclusion, Mpanu-Mpanu said there is no consensus in the room on the placement discussion (of Part 3 paragraphs). He urged Parties to come to common understanding of concepts and encouraged them to discuss informally before the next meeting on Wednesday (2 September). He will report to the Co-Chairs on the pace and spirit of the discussion.

(There will be a separate update on Workstream 2.)